

**Second Session - Fortieth Legislature**  
of the  
**Legislative Assembly of Manitoba**  
**DEBATES**  
and  
**PROCEEDINGS**

**Official Report**  
**(Hansard)**

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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Fortieth Legislature**

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
ALLAN, Nancy, Hon.	St. Vital	NDP
ALLUM, James	Fort Garry-Riverview	NDP
ALTEMEYER, Rob	Wolseley	NDP
ASHTON, Steve, Hon.	Thompson	NDP
BJORNSON, Peter, Hon.	Gimli	NDP
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WISHART, Ian	Portage la Prairie	PC

## LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, December 3, 2012

*The House met at 1:30 p.m.*

**Mr. Speaker:** O Eternal and Almighty God, from Whom all power and wisdom come, we are assembled here before Thee to frame such laws as may tend to the welfare and prosperity of our province. Grant, O merciful God, we pray Thee, that we may desire only that which is in accordance with Thy will, that we may seek it with wisdom and know it with certainty and accomplish it perfectly for the glory and honour of Thy name and for the welfare of all our people. Amen.

Good afternoon, everyone. Please be seated.

### ROUTINE PROCEEDINGS INTRODUCTION OF BILLS

#### Bill 15—The Employment Standards Code Amendment Act (Minimum Wage Protection for Employees with Disabilities)

**Hon. Jennifer Howard (Minister of Family Services and Labour):** I move, seconded by the Minister of Justice (Mr. Swan), that Bill 15, The Employment Standards Code Amendment Act (Minimum Wage Protection for Employees with Disabilities); Loi modifiant le Code des normes d'emploi (protection du salaire minimum pour les employés ayant des incapacités), be now read a first time.

*Motion presented.*

**Ms. Howard:** I want to start by noting that today is the United Nations day of people with disabilities, and we're joined by many people in the gallery who were out marking that day this morning at a forum held at the convention centre that I was honoured to be able to speak at. And many people in the gallery today have fought very hard for the bill that we are introducing, and it is a bill that will eliminate the ability for employers to apply to Employment Standards to pay less than minimum wage to someone simply because they have a disability.

This is a recommendation from the Labour Management Review Committee. It's a consensus of the employer and employee reps on that committee. Currently there are fewer than 20 such permits issued. This bill will allow for those remaining

permits to be in effect as a result of discussions that have been had with those individuals and their families. It will allow the director to make changes to those permits in order to ensure employees are protected.

As I said, I want to thank the people who are with us in the gallery today who have fought hard not only for this change but so many changes that make Manitoba more inclusive and a more accessible province for all of us. Thank you.

**Mr. Speaker:** Is it the pleasure of the House to adopt the motion? [*Agreed*]

#### Bill 17—The Consumer Protection Amendment and Business Practices Amendment Act (Motor Vehicle Advertising and Information Disclosure and Other Amendments)

**Hon. Jim Rondeau (Minister of Healthy Living, Seniors and Consumer Affairs):** I move, seconded by the Minister of Family Services and Labour, that Bill 17, The Consumer Protection Amendment and Business Practices Amendment Act (Motor Vehicle Advertising and Information Disclosure and Other Amendments); Loi modifiant la Loi sur la protection du consommateur et la Loi sur les pratiques commerciales (publicité et communication de renseignements visant les véhicules automobiles et autres modifications), be now read a first time.

*Motion presented.*

**Mr. Rondeau:** I apologize for the cold for the Minister of Healthy Living.

Anyhow, Mr. Speaker, this bill adds to The Consumer Protection Act dealing with motor vehicle advertising and information disclosure. Prohibition against false advertising and providing false information about a motor vehicle are included. Advertisements must include the price of a vehicle. The advertised must be the total price, including all fees charged as levies and taxes except GST and PST, and it must indicate whether the vehicle is new or used. And requirements for disclosure about the vehicle are moved from The Business Practices Act to The Consumer Protection Act, and consumer compliance orders can be issued and publicized by

the director. It also makes other changes that will be involved in the legislation. Thank you very much.

**Mr. Speaker:** Is it the pleasure of the House to adopt the motion? *[Agreed]*

Any further introduction of bills? Seeing none—

## PETITIONS

### Provincial Trunk Highway 1

**Mr. Larry Maguire (Arthur-Virden):** I wish to present the following petition.

And the background of this petition is as follows:

(1) The provincial government presently maintains a freeway system for PTH 1 through the province of Manitoba.

(2) By definition this would lead to the elimination of all traffic lights on PTH 1 by building overpasses at every major intersection along the highway.

(3) The Town of Virden and the local planning district have never adopted a 1997 Manitoba Infrastructure and Transportation overpass plan for the community at the junctions of PTH 1 and King Street, 83 Highway and PTH 257.

(4) This freeway system overpass plan is impeding business development in Virden. Presently, a Virden businessman is virtually prohibited from relocating his business to his own land because it sits on the footprint of the planned overpass, even though his relocated business would generate \$700,000 in provincial sales tax annually for Manitoba.

(5) Manitoba's infrastructure deficit has reached a record high. This deficit, paired with the number of existing projects still awaiting completion throughout Manitoba, will render the proposed overpass project financially unfeasible for decades to come.

We petition the Legislative Assembly as follows:

To request the Minister of Infrastructure and Transportation consider abandoning the Manitoba freeway proposal for the junction of PTH 1 and Virden's three intersections, particularly the King Street junction.

This petition is signed by L. Flett, J. Barkley, K. Gabrielle and many, many others, Mr. Speaker.

**Mr. Speaker:** In keeping with our rule 132(6), when petitions are read they are deemed to have been received by the House.

### St. Ambroise Beach Provincial Park

**Mr. Ian Wishart (Portage la Prairie):** I wish to present the following petition to the Legislative Assembly.

And the reasons for these—for this petition are as follows:

The St. Ambroise provincial park was hard hit by the 2011 flood, resulting in the park's ongoing closure and the loss of local access to Lake Manitoba, as well as untold harm to the ecosystem and wildlife in the region.

The park's closure is having a negative impact in many areas, including disruptions to local tourism, hunting and 'fissing'—fishing operations, diminished economic and employment opportunities and the potential loss of the local store and decrease in property values.

Local residents and visitors alike want St. Ambroise provincial park to be reopened as soon as possible.

We petition the Legislative Assembly of Manitoba as follows:

To request the appropriate ministers of the provincial government consider repairing St. Ambroise provincial park and its access points to their pre-flood conditions so the park can be reopened for 2013 season or earlier if possible.

This petition's signed by K. Lipke, A. Lachappelle and M. Taylor, many, many more fine Manitobans.

\* (13:40)

### Vita & District Health Centre

**Mr. Dennis Smook (La Verendrye):** I wish to present the following petition to the Legislative Assembly.

The reasons for this petition are as follows:

The Vita & District Health Centre services a wide area of southeastern Manitoba and is relied on to provide emergency services.

On October 17th, 2012, the emergency room at the Vita & District Health Centre closed with no timeline for it to reopen.

This emergency room deals with approximately 1,700 cases a year, which includes patients in the hospital, the attached personal care home and members of the community and surrounding area.

Manitobans should expect a high quality of health care close to home and should not be expected to travel great distances for health services.

We petition the Legislative Assembly of Manitoba as follows:

To request the Minister of Health consider reopening the emergency room in Vita as soon as possible and commit to providing adequate medical support for residents of southeastern Manitoba for many years to come.

This petition is signed by J. Hryciuk, P. Thiessen–P. Friesen and H. Mark and many more fine Manitobans. Thank you.

#### **Provincial Road 520**

**Mr. Wayne Ewasko (Lac du Bonnet):** I wish to present the following petition to the Legislative Assembly.

The background to this petition is as follows:

The rural municipalities of Lac du Bonnet and Alexander are experiencing record growth due especially to an increasing number of Manitobans retiring in cottage country.

The population in the RM of Lac du Bonnet grows exponentially in the summer months due to increased cottage use.

Due to population growth, Provincial Road 520 experiences heavy traffic, especially during the summer months.

PR 520 connects cottage country to the Pinawa Hospital and as such is frequently used by emergency medical services to transport patients.

PR 520 is in such poor condition that there are serious concerns about its safety.

We petition the Legislative Assembly as follows:

To urge the Minister of Infrastructure and Transportation to recognize the serious safety concerns of Provincial Road 520 and to address its poor condition by prioritizing its renewal.

This petition is signed by T.J. Johnson, B. Summerfield, B. Buck and hundreds of other fine Manitobans.

#### **Provincial Trunk Highways 16 and 5 North– Traffic Signals**

**Mr. Stuart Briese (Agassiz):** Mr. Speaker, I wish to present the following petition to the Legislative Assembly of Manitoba.

These are the reasons for this petition:

The junction of PTH 16 and PTH 5 north is an increasingly busy intersection which is used by motorists and pedestrians alike.

The Town of Neepawa has raised concerns with the Highway Traffic Board about safety levels at this intersection.

The Town of Neepawa has also passed a resolution requesting that Manitoba Infrastructure and Transportation install traffic lights at this intersection in order to increase safety.

We petition the Legislative Assembly of Manitoba as follows:

To request the Minister of Infrastructure and Transportation to consider making the installation of traffic lights at this intersection—at the intersection of PTH 16, PTH 5 north—a priority project in order to help protect the safety of the motorists and pedestrians who use it.

This petition is signed by E. Waldner, K. DalGLISH, M. Pearson and many, many other fine Manitobans.

#### **Personal Care Homes and Long-Term Care– Steinbach**

**Mr. Kelvin Goertzen (Steinbach):** Yes, good afternoon, Mr. Speaker. I wish to present the following petition.

These are the reasons for this petition:

The city of Steinbach is one of the fastest growing communities in Manitoba and one of the largest cities in the province.

This growth has resulted in pressure on a number of important services, including personal care homes and long-term care space in the city.

Many long-time residents of the city of Steinbach have been forced to live out their final years outside of Steinbach because of the shortage of personal care homes and long-term care facilities.

Individuals who have lived in, worked in and contributed to the city of Steinbach their entire lives

should not be forced to spend their final years in a place far from friends and from family.

We petition the Legislative Assembly of Manitoba as follows:

To request the Minister of Health ensure additional personal care homes and long-term care spaces are made available in the city of Steinbach on a priority basis.

Mr. Speaker, this petition is signed by D. Rempel, J. Funk, B. Bartel and hundreds of other fine Manitobans.

### TABLING OF REPORTS

**Hon. Ron Lemieux (Acting Minister charged with the administration of The Manitoba Lotteries Corporation Act):** I'd like to table Manitoba Lotteries' second-quarter report for the six months ending September 30th, 2012.

#### Introduction of Guests

**Mr. Speaker:** Prior to oral questions, I'd like to draw the attention of honourable members to the public gallery where we have with us today from Selkirk Junior Parliament 36 grades 7 to 9 students from East Selkirk Middle School, Walter Whyte School, Lockport School and École Selkirk Junior High under the direction of Deanna Cameron, Kelly Murray, Jennifer Magnusson and Scott Andrews. These folks are the guests of the honourable member for Selkirk (Mr. Dewar) and also the Minister of Entrepreneurship, Training and Trade (Mr. Bjornson). On behalf of all honourable members, we welcome you here this afternoon.

And also in the public gallery, we have with us today Kirstie Grimmer from the Chancellor School Advisory Council, who is a guest of the honourable member for St. Norbert (Mr. Gaudreau). On behalf of honourable members, we welcome you here today.

### ORAL QUESTIONS

#### Manitoba Hydro Export Market Concerns

**Mr. Brian Pallister (Leader of the Official Opposition):** The top priority for investments by Manitoba Hydro has always been Manitobans' best interests in the domestic market, not foreign exports of hydro. And yet the government has it upside down. It seems like they're saying that the reason for going ahead with this supersizing of Manitoba Hydro is—well, the quote the Premier's known for is: It's

about power exports to the US, he says. They're willing to pay premium international prices.

Interestingly, those prices are leading to increases in rates for Manitobans, Mr. Speaker, up to 40 per cent or more over the next decade, 6 per cent in the last three months.

So my question, I guess, is this: Why? Why double the size of Manitoba Hydro? Why speculate in the risky US energy market? Why place the interests of American power buyers ahead of Manitobans who really own Manitoba Hydro, not the NDP?

**Hon. Greg Selinger (Premier):** Mr. Speaker, the experience of the opposition never changes when it comes to Manitoba Hydro. They always are looking for a reason to not build it, to mothball it. And as a result of that, we lost a decade in the '90s.

They criticized Limestone as a project that was uneconomic. It was built and it paid itself back within 10 years, and then that power was available, having been paid off by export revenues available to Manitobans. The capital was paid off by the export revenues to Manitobans.

The Leader of the Official Opposition needs to understand that export revenues keep rates lower in Manitoba than they would be if we did not have export revenues. The absence of export revenues would make prices rise higher in Manitoba, as we're seeing in other jurisdictions across the country.

**Mr. Pallister:** The Premier's degree from London School of Economics obviously isn't in economics.

The fact is that export prices have declined to half the level of five years ago while he's caught in the headlights. The reality is today's price per kilowatt hour is 3 and a half cents. The reality is the cost of production is 13 cents. The reality is that we're going to be losing money if we follow the NDP's bullheaded plan.

The NDP business plan calls for the largest megaproject investment in the history of our province, Mr. Speaker, and it is concocted. It's on false urgency. It's based on skyrocketing supply, but they're ignoring the skyrocketing supply, and they're ignoring the sinking markets.

Now, previous premiers, including Edward Schreyer, had the wisdom to listen to his advisers and put the brakes on projects when it was appropriate. Why is this Premier acting like a deer caught in the headlights?

**Mr. Selinger:** Mr. Speaker, the member clearly has his head stuck in the sand; that's his problem when it comes to understanding the future of Hydro. The spot sales have shown a decline in prices. Firm sales remain very strong. Firm sale prices are the kind of prices that reduce the cost of building new hydro in Manitoba. Those export revenues—over \$20 billion of export revenues over the next 20 years—will generate benefits that pay down the capital of new hydro installations and make those installations available to the Manitoba economy, which is a growing economy, an economy that's growing with people.

It's growing with clean energy; it's growing with new people investing in Manitoba; and as this economy grows, there will be a demand for clean, green energy.

When we build it now and export it, the price that comes back from those exports keeps the cost lower in Manitoba and allows us to get ahead of the curve on clean, green energy in the province of Manitoba.

\* (13:50)

**Mr. Pallister:** Manitobans deserve more than jolly Pollyanna for Premier here, Mr. Speaker.

The reality is that the Premier is telling everybody in the province to hurry up and get in the car; let's go for a 50-year US vacation, and they'll all—they'll pay for the freight. But the fact is he spends a lot of his time looking in the rear-view mirror; he can't see what's coming. The reality is he hasn't got any headlights on the car and he can't see the problems right in front of him. The reality is he hasn't got any brakes on the car either and once we start the car rolling, Mr. Speaker, there's no stopping. The reality is that he is telling everybody to listen to him that we're going to stay free down in the States on this vacation. And they're saying, we're booked; there's no room right now and there won't be any room for 50 years.

So, former and present NDP experts, former and present hydro experts, they're all saying the same thing: sober second thought, take a look at this, what's the rush? Len Evans, Len Bateman—smart men, smart people—are saying, bad idea.

So why get in the Premier's car when he doesn't have a map and, like many men, he doesn't have the brains to ask for directions either?

**Mr. Speaker:** I want to caution the honourable Leader of the Official Opposition—in fact, all

members of the House—I very much, as your Speaker, want this to be a respectful workplace. So I'm asking for the co-operation of all honourable members to ensure that that happens. And I caution the honourable Leader of the Official Opposition, please, sir, pick and choose your words very carefully.

The honourable First Minister, to respond to the question.

**Mr. Selinger:** Yes, Mr. Speaker, I appreciate the question, without the editorial comments, but the question allows me to put on the record the following.

We have signed contracts in the United States for additional power sales. This is something the member seems to skip over.

We listened very courteously when the member put his very rude question, Mr. Speaker. Perhaps he could do the favour of listening to us when we give him the answer. Or is that beyond his capacity at this early stage in his career as Leader of the Opposition? Clearly seems to be.

We have signed contracts for over \$7 billion of new sales—new sales. We have ongoing contracts where we provide up to 10 per cent of the hydroelectricity to the great state of Minnesota. We have people looking for clean, green power in the United States that's reliable power, power that could be provided by Manitoba Hydro.

And just like the Limestone project, which they criticized and denigrated every step of the way, that—those power sales paid themselves back in 10 years and then made that capital investment in new dams available to all Manitobans, which allowed us to grow our economy and keep the lowest rates in North America. The lowest rates in North America is what we have right now here in Manitoba in spite of the mothballing of the members of the opposition.

### **Manitoba Hydro Export Market Concerns**

**Mr. Ron Schuler (St. Paul):** Mr. Speaker, hydro rates are expected to go up by 45 per cent by 2021 as a direct result of NDP mismanagement. Manitobans will be forced to pay for export-driven projects that the PUB says are not likely to break even, let alone make money, in the coming decade.

Why is the NDP forcing these plans ahead without the proper integrated economic reviews?

**Hon. Dave Chomiak (Minister charged with the administration of The Manitoba Hydro Act):** Mr. Speaker, I think the member is reading the wrong briefing note. Power rates are going up in the next year 41.4 per cent in BC. They're going up 23.9 per cent in Saskatchewan, and they're going up 42 per cent in Nova Scotia.

Mr. Speaker, in Winnipeg the monthly cost of residential power is \$76.25. In Regina, it's \$125.48. In St. John's, it's \$125.48. In Halifax, it's \$150.06. In Calgary—Calgary, the energy capital of the country—it's \$117.41, almost double what it is in Manitoba.

I will take those rates, the lowest in the country, in front of the rhetoric the member is trying to inaccurately put on the record any time.

### **Manitoba Hydro—Bipole III Needs For and Alternatives To Review**

**Mr. Ron Schuler (St. Paul):** Mr. Speaker, the minister is a little defensive on this one.

The minister has ordered a needs for and alternatives to, or NFAT, for Keeyask and Conawapa to ensure that they are economically sound, but not Bipole III. The Conservation Minister also cut a proposal to have the NFAT review done at the environmental hearings.

Is the minister afraid to send bipole through—III through an NFAT because it would fail?

**Hon. Dave Chomiak (Minister charged with the administration of The Manitoba Hydro Act):** As the member probably is aware, we've already announced an NFAT for Conawapa and for Keeyask.

Mr. Speaker, just let me repeat. The monthly rate for an average Manitoban, of a thousand kilowatts an hour, is \$76.25 for the average Manitoban. For the average person in Halifax, it's \$150, which is more than double. For the average person in BC—in BC, which has hydro—it's \$87.77. For the average person in Regina next door, it's about \$50 a month more. That equates to \$600 a year per person. We have the lowest rates in the country. We're going to keep it that way.

If we had done what the Tories had asked us to do before, Mr. Speaker, we'd have the highest rates. They want market rates. They want to go back to coal. They want to use natural gas. They want to use systems that are foregone. Why don't we go to coal?

**Mr. Speaker:** Order, please. Order, please. The minister's time has expired.

**Mr. Schuler:** Mr. Speaker, this is a minister in a government that promised no tax increases and then increased them, said they would balance the budget by 2014—got those numbers wrong. There's nothing this minister can put on the record that we believe at this point in time. But thank you very much for that.

Export sales to the US can't be fully judged without evaluating the cost of getting it there. Bipole III is estimated to cost 3 cents per kilowatt hour to transmit power, which has a big impact on both export sales and domestic use.

Will the minister put bipole through—III through NFAT at the same time as Keeyask and Conawapa so we can get a clear picture of the integrated economics of this \$18-billion project?

**Mr. Chomiak:** First off, Mr. Speaker, bipole doesn't cost \$18 billion. The cost of transmission for reliability for bipole is almost not calculable in terms of what would happen if those two lines that are nearby each other were to go out. It's for reliability.

It's one of the reasons why we have signed contracts with the United States. It's one of the reasons why we're negotiating with Saskatchewan. We're negotiating with the province next to us to provide power to them.

It's one of the reasons why companies come to Manitoba every single day, because of our rates, and want to relocate to Manitoba. And you know what?

**An Honourable Member:** Name them.

**Mr. Chomiak:** Name them? Just you wait, Mr. Speaker. Just you wait.

### **Phoenix Sinclair Inquiry Responsibility for Missing Documentation**

**Mrs. Leanne Rowat (Riding Mountain):** For those following the tragic replay of Phoenix Sinclair's life as the inquiry unfolds, there remain a lot of unanswered questions. It seems that someone does not want these questions answered, as notes on the child welfare file have gone missing. The minister has recently admitted the notes did exist, are missing and were perhaps destroyed.

Mr. Speaker, I ask the minister: When did she become aware that the notes were missing, and what has she done to investigate this very serious situation?

**Hon. Jennifer Howard (Minister of Family Services and Labour):** Thank you very much, Mr. Speaker, for the question. I think, as I've said before,



watching the inquiry unfold, hearing the stories that are being told of the tragic life and even more tragic death of Phoenix Sinclair is a painful experience for all of us.

I find the fact that there's missing documentation extremely distressing. It would be my wish that all the documentation was available, because the reason why we called the inquiry was to get the full story so that we can make the changes that are necessary to be made. I am—I understand that there has been an extensive search for that documentation and—many times by many people involved in the system.

I look forward to the inquiry's conclusion. I look forward to the recommendations that they bring forth, and I look forward to continuing to making changes—

**Mr. Speaker:** Order, please. Minister's time has expired.

**Mrs. Rowat:** Based on her comments, I believe—and I believe Manitobans believe—that she didn't do what needed to be done to protect those files.

Mr. Speaker, several reviews were done at the time Phoenix Sinclair was murdered. Over 300 recommendations were made.

If the minister—is the minister not concerned that these notes may have been deliberately removed to impair the work of the inquiry? Mr. Speaker, will the minister today indicate whether the fire—files were available when all these reviews were done?

**Ms. Howard:** Well, Mr. Speaker, I want us all to be clear in this Chamber. I don't want us to—any of us to put forward allegations for which there is no evidence, and there is no evidence that any notes were deliberately removed—no evidence that I'm aware of.

If the member opposite has that evidence, I would ask her to share it with me, because that would be very, very serious. That would be very, very serious if there is—if there are those allegations and she has evidence to support those allegations.

\*(14:00)

As I've said, I think that the missing information is troubling. It's something that we wish was available because it would give us a full picture. Documentation has been an issue and was identified in several of the reviews of this case. That's why we've made moves to increase training, to increase

standards to ensure the documentation is made in a timely way.

**Mr. Speaker:** Order, please.

**Mrs. Rowat:** Mr. Speaker, the Phoenix Sinclair inquiry was called over six years ago. Why wasn't this minister being proactive or this government being proactive in ensuring that those documents were secure? The inquiry has been stalled and delayed and now key documents are missing.

Given the seriousness of this situation, why were the documents not protected, kept in a safe place so that full disclosure would have been made available to the public during the inquiry? This government failed to give instruction that all files be kept safe, Mr. Speaker. It's obvious; they're missing.

Why did she fail to have these documents sealed and protected?

**Ms. Howard:** I think, clearly, there are standards in place when it comes to documentation. There are standards in place when it comes to the security of information. We have made moves to strengthen those standards, to increase the training available, to make sure that there's resources in place to help people make sure that the data is entered correctly and we'll continue to make those moves.

And we will take the recommendations from this inquiry very, very seriously, and if there are further moves that we need to make to ensure the documentation is done appropriately and done well, then we will make those changes, Mr. Speaker. That's why we called the inquiry, because we want to get the full story of what happened and information on how we can improve the system as much as anybody. Thank you.

#### **Phoenix Sinclair Inquiry Responsibility for Missing Documentation**

**Mrs. Bonnie Mitchelson (River East):** That answer isn't good enough. It was this government that called the inquiry six years ago. Mr. Speaker, it was up to this government to ensure the integrity of the files that were available so the inquiry and the commissioner could do his work.

Why did this government fail to ensure that those documents were in a secure place and protected so that the commissioner could do his work?

**Hon. Jennifer Howard (Minister of Family Services and Labour):** We called this inquiry

because we wanted the whole story, the full story, to become available. We wanted people to hear—and I think what's unfolding in the inquiry is an unprecedented look at how the child welfare system works and how it doesn't work. And I think that doing that, while it is very painful for the people involved, I think it is necessary and it will be necessary so that we can take a look at what happened in this case, so that we can make more changes. Many changes have been made, but so that we can make more changes into the future to ensure that the system is in a place where it can protect children and help families.

**Mrs. Mitchelson:** Under law, the Minister of Family Services has the ultimate responsibility to ensure that children are protected. When Phoenix Sinclair fell through the cracks and was murdered, Mr. Speaker, this government called an inquiry. That inquiry should have been full and the commissioner should have had all of the information for him to do his job and it was up to the minister and the government responsible to ensure that those files were there.

Why did they fail to protect the documents?

**Ms. Howard:** Well, I think, Mr. Speaker, as I've stated, there has been an exhaustive search for those documents. Everybody wants to make sure that that—those documents, all the information that the commissioner needs, is turned over to the commissioner and they have full access. There has been extremely good co-operation, I think, between the government and the commission in making information available.

I don't know what allegations the members opposite have evidence to support. I'm open to hear that evidence if they have some allegations and we'll take that very seriously.

The things that we have done to make sure that children are protected in the wake of the tragic death of Phoenix Sinclair is invest in front-line social workers to the tune of over 200 more people in the system, make sure that standards are brought up to date that are in place, standards that include things like having every child seen every time. And there's much more to do, Mr. Speaker, and we will hear those recommendations and we'll take them seriously.

**Mr. Speaker:** Order, please.

**Mrs. Mitchelson:** The evidence that we do have is that this government failed to protect the files and

ensure that they were secure so that the commissioner and the inquiry could do their job.

Mr. Speaker, they have failed Phoenix Sinclair through their lack of accountability and their incompetence. Why wasn't a directive sent to ensure that those documents were in a safe place so that Manitobans—excuse me—could have all of the information and all of the facts as the inquiry unfolded?

**Ms. Howard:** Well, Mr. Speaker, the truth is that there are standards in place to make sure that all information in the child welfare system is kept secure and is kept confidential. People take that very, very seriously. In this situation, as I've said before, there has been extensive searches for these documents. They haven't been found. I wish that they were available because I think that they would be useful to the commissioner.

We have worked to co-operate with the commission. We called the commission of inquiry because we wanted there to be a full disclosure of what happened in this case and because we wanted to be able to learn how to strengthen the system, and that commission will continue and that inquiry will continue and we will take our lessons from the commissioner.

### **Taxation Possible Increases**

**Mrs. Myrna Driedger (Charleswood):** Mr. Speaker, for two weeks now this NDP government has refused to say if they will raise taxes again to pay for the spending mess that they've created. It is troubling that this Minister of Finance babbles on about all kinds of things, but he refuses to answer the question.

So I'd like to ask him again: Will the NDP raise taxes again in their next budget to pay for their spending addiction?

**Hon. Stan Struthers (Minister of Finance):** You know, Mr. Speaker, it's quite rich that the member opposite would complain when we come forward, not only just complain but vote against a measure in terms of reducing RHAs in this province to contain costs and have those costs transferred to the front lines that Manitobans care about.

She talks about babbling on. Well, last week I guess I babbled on about a—\$1.2 billion in tax savings for individuals, property and business. Now, I have fairly thick skin, I can handle her calling—

saying I babble on, but those were real tax savings for Manitobans. I don't know if they think I was babbling on or not.

**Mrs. Driedger:** Well, Mr. Speaker, in the last election we saw this government raise taxes by \$184 million. He's neglecting to talk about that.

Mr. Speaker, the federal government has said that they will not raise taxes in their next budget, but for some reason this NDP government here won't give Manitoba taxpayers the same straight answer.

And it's a very simple question: Will the NDP guarantee, like the federal government has, that they won't raise taxes in their next budget?

**Mr. Struthers:** Well, Mr. Speaker, in the last election—the member across the way is incorrect. In the last election we talked about protecting services that Manitobans value more than others. We talked about protecting health care. We talked about protecting education. We talked about protecting services that protect kids. We talked about very strategic investments in our economy to grow that economy.

We have taken on seriously reductions in spending, a streamlining of government, offering our services to Manitobans in a different way that's more efficient and more effective, and they do not support that. They work against—

**Mr. Speaker:** Order, please. The minister's time has expired. Order, please.

#### **Balanced Budget Government Timeline**

**Mrs. Myrna Driedger (Charleswood):** Mr. Speaker, the federal government has also said they are going to balance their books by 2015, yet this NDP government refuses to say whether they will balance their budget here in Manitoba.

Mr. Speaker, the lack of responses by this NDP government on both those issues of raising taxes and balancing the budget is becoming shocking. They're not giving a clear answer to Manitoba taxpayers.

So I'd ask him today for a very clear answer: When will the NDP government in Manitoba balance the budget?

\* (14:10)

**Hon. Stan Struthers (Minister of Finance):** Well, Mr. Speaker, the federal government has also had five different dates over the last 20 months as to

when they're going to come back into balance. The federal government has also laid off Manitobans and left unprotected some of the services that matter most to Manitobans.

Our commitment has been very clear, Mr. Speaker. We're going to take on decisions that reduce the spending that we do have. We're not going to do it in such a way that we lay people off, and we're not going to do it in such a way that we hurt health care, that we hurt education, that we hurt our ability to protect kids in this province.

We're not going to take your advice—Mr. Speaker, we're not going to take their advice and go into these with deep cuts that put our—that would risk putting our economy—

**Mr. Speaker:** Order, please. Order, please. Minister's time has expired.

#### **Balanced Budget Government Timeline**

**Mrs. Heather Stefanson (Tuxedo):** During the last election, the Premier (Mr. Selinger) promised that he would balance the budget in Manitoba by 2014, and he said that he would do so without raising taxes, Mr. Speaker.

Well, Manitobans have two questions for him: No. 1, when will he balance the budget, Mr. Speaker? And, No. 2, will he do so without raising taxes?

**Hon. Stan Struthers (Minister of Finance):** Mr. Speaker, we've employed a very balanced approach to our economy. The balance includes both revenue and expenditure decisions. Members opposite will see that kind of a balanced approach come forward.

What we will not be doing, Mr. Speaker—what we will not be doing—is taking advice from members opposite who for some reason think it's a good—a good way to do this would be very draconian cuts to services, very deep, heartless cuts, if I may say so, deep cuts that would (a) leave our—Manitobans without the services that they desire and (b) would run the risk of putting our economy further into an economic downturn.

**Mr. Speaker:** Order, please. The minister's time has expired.

**Mrs. Stefanson:** And these are not trick questions that we are asking the Minister of Finance. In fact, Mr. Speaker, we have asked these questions several

times, in fact, every day in question period in the last few—couple of weeks.

My question for the Minister of Finance is quite simple: Is it his intention to balance the budget at all, Mr. Speaker? Yes or no.

**Mr. Struthers:** Mr. Speaker, this is the same group of people who came into this Legislature with a resolution—with a resolution that would have cut deeply into the services that Manitobans really want us to protect.

They came in and they put that resolution on the table. They all stood and they voted for it. Those were deep cuts that would've kicked our economy into recession.

Then the election comes along, and what do they do? Eleventh hour, just before the election, the night before the election, they decide we're not coming back into balance 'til 2018. The people with credibility problems on this issue are sitting to your left, Mr. Speaker.

**Mrs. Stefanson:** Mr. Speaker, the Minister of Finance can't even answer a simple yes-or-no question. That's—it's concerning for Manitobans. They want to know whether or not this Minister of Finance has any intention at all of ever balancing the budget.

Will he answer that question, Mr. Speaker? Will he—does he have the intention of balancing this budget ever?

**Mr. Struthers:** Well, Mr. Speaker, when we talk about these issues, I think it's very important to remember what the debt-to-GDP ratio is today as compared to what it was a number of years ago. If we want to really measure the effectiveness of government actions, that is a very good way to do it.

Mr. Speaker, 33 per cent represents the number in 1999, back in the days when the member of—the Leader of the Opposition thought that they were blessed with having that government, back in the days when the—that was a intelligent way of governing. Thirty-three per cent, more than a third of our debt to GDP existed at that time.

Today, we've worked that down to 27 per cent, Mr. Speaker, because we have—

**Mr. Speaker:** Order, please. Minister's time has expired.

### **Phoenix Sinclair Inquiry Responsibility for Missing Documentation**

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, with regard to the missing supervisor's notes at the Phoenix Sinclair inquiry, the minister insists that there were standards in place. Presumably, these were standards for storing records, for accessing records and for records security. She also says it's unknown why these files were missing. But one supervisor, Andy Orobko, took his notes home, had them there for several years and then destroyed them.

I ask the minister: Will the minister tell us which standard this follows, and will the minister today table the standards that she's so—referring to earlier on?

**Hon. Jennifer Howard (Minister of Family Services and Labour):** Well, clearly, the destruction of notes does not follow a standard; that is clear. I don't think anybody would purport to say that it does follow any standard of good recordkeeping.

I'd be pleased to share with the member opposite the standards that are in place when it comes to documentation. I don't have them with me today, but I'd be pleased to make that information available to him.

**Mr. Gerrard:** Mr. Speaker, I look forward to the minister tabling those as soon as possible.

Mr. Speaker, in Saturday's Winnipeg Free Press, Lindor Reynolds wrote of the missing CFS supervisory notes on the Phoenix Sinclair file. She said: The notes may become the inquiry's version of the infamous 18 and a half missing minutes of taped conversation between US President Richard Nixon and his chief of staff used to determine the President's role in covering up the Watergate scandal.

I ask the Minister of Family Services: What action did senior CFS management make to make sure the CFS supervisory notes for Phoenix Sinclair were not lost, and can the minister completely tell us what action had been taken to try and retrieve these lost notes?

**Ms. Howard:** I think it's worth noting, again, for members opposite, that it was this government that called the inquiry. We called the inquiry because we wanted to have a full airing, and it has provided, really, an unprecedented look at the child welfare system. We have had people testify who worked on the case. We've had people testify who were

supervisors of that case, and as that inquiry unfolds, we will also hear what has happened since the death of Phoenix Sinclair, and then we will also move into a discussion of some of the issues that we all confront in our society that leads to the neglect and abuse of children. So the inquiry is going to teach us much about how we can improve the system, and we'll look forward to those recommendations.

As I've said before, the standards that are in place speak to the security and confidentiality of records—

**Mr. Speaker:** Order, please. Minister's time has expired.

**Mr. Gerrard:** Mr. Speaker, the processes and procedures to ensure that CFS notes do not get lost, misplaced, or destroyed are the responsibility of the Minister of Family Services and of other senior CFS officials like, for example, Darlene MacDonald was at the time. While the decisions related to what was said then on what happens to an individual child and family may depend a lot on the front-line worker, the procedures and processes which are vital to the integrity of the system are those of the minister and the senior management.

And I ask the minister: Why has the revolving door of NDP CFS ministers allowed the CFS department to be run in such a way that critical notes of CFS supervisors have gone missing and the media is now comparing NDP governments to Watergate?

**Mr. Speaker:** Order, please. Order, please.

**Ms. Howard:** You know, I'm not going to engage in the cynicism of the member opposite on this file. We come to work here every day because all of us want to do better for our communities, and I come into my office every day with the heavy responsibility but the welcome responsibility for making sure that children and families are cared for and protected, and I take that responsibility extremely seriously. And I am not going to give up on that responsibility, and I'm not going to give up in the face of the kind of cynicism that the member opposite brings into this Chamber, Mr. Speaker.

We are paying very close attention to this inquiry. I believe this inquiry will come out with a report that will transform the way children and family services are delivered in this province, and I welcome the opportunity to put that into effect.

\* (14:20)

### **Seasons of Tuxedo Geothermal System**

**Mr. James Allum (Fort Garry-Riverview):** Winnipeggers and Manitobans are excited about the new retail development boom that is happening in our great city, which creates economic growth and creates jobs. What they may not know is that one of these developments, the Seasons of Tuxedo, is one of the greenest in the world.

Could the Minister for Innovation, Energy and Mines please inform the House about the—how the Province helped support this energy efficient development with green tax incentives and geothermal grants?

**Hon. Dave Chomiak (Minister of Innovation, Energy and Mines):** I was honoured to be able to be present at the 275,000-square-foot retail development, the largest retail development with a geothermal system of its kind probably in the world, Mr. Speaker, which was—which has provided green and clean energy with a payback to both the tenants and the owners of eight years, and which was assisted by the Green Energy Equipment Tax Credit as well as the district geothermal grant.

We were able to help these come to Manitoba, keep the Manitoba economy expanding and keep it expanding in a green, sustainable way, with sustainable, green jobs going into the future. That's what Manitobans want to have dealt by their government.

### **Manitoba Public Insurance Corporation Collection Agency Garnishee Order**

**Mr. Cliff Graydon (Emerson):** Bill Turner received a speeding ticket driving home one evening. He's never disputed that he was in the wrong and should have to pay it. He tried to pay the ticket online where he was told that there was no record of the ticket; it didn't exist. The ticket was issued to the wrong address. He had recently moved and had registered this with MPI. The ticket, however, was mailed to the wrong address. Because of this error, a \$354.75 ticket became a ticket in excess of \$400, with late fees, garnishment fees and court costs, plus an additional \$1,340 to renew his licence and registration.

Mr. Speaker, I want to ask the Minister of Justice: Why must Mr. Turner pay for MPI's mistakes and mismanagement?

**Hon. Andrew Swan (Minister charged with the administration of The Manitoba Public Insurance Corporation Act):** Although I can't discuss the specific case, it is clear the member does not have all the information.

There is some advice I can give the member, and indeed, all Manitobans: No. 1, don't speed on our highways; No. 2, make sure that you give MPI your current address because it is very important if they need to get a hold of you; No. 3, if you speed and you're caught and you're handed a ticket by the RCMP or by a police officer, you should pay it in accordance with the terms written on ticket. If you want to oppose it, you should do so in accordance with the terms printed on the ticket. If you don't pay it in accordance with those terms or oppose it, it is not surprising there is then collection action that can be taken for the outstanding amount of the ticket. And when you go to renew your driver's licence or your vehicle registration, you may find there's a hold that's been placed against it. Now, even—

**Mr. Speaker:** Order, please. Order, please. The minister's time has expired.

**Mr. Graydon:** Due to the mismanagement of MPI, the collection agency and the justice system received inaccurate information. The minister responsible for MPI and the Minister for Justice are one and the same. When his office was contacted, they acknowledged it was some confusion on what was owed and sent Mr. Turner the wrong phone number to call and rectify the situation.

Mr. Speaker, the minister still has an opportunity to do the right thing and commit to refund the extra fees to his—through his department's failures.

**Mr. Swan:** Good—some more information I can provide to the member opposite and all Manitobans is that if you do get a ticket, when you do pay the ticket, you still have to pay for your vehicle registration and the cost of your driver's licence, which, unfortunately, was incorrect in the information put forward by the member opposite and the Tory press releases. They continue, Mr. Speaker, to aim lower.

But, you know, this morning I stood shoulder to shoulder with the RCMP out at Headingley as they again announced their annual Check Stop program. We support the RCMP. We support their efforts to make our roads safer, to keep them safe from impaired drivers, to make sure that individuals are wearing their seatbelts, not distracted, and one of the

most important issues is to make sure individuals are not speeding on our highways. We stand shoulder to shoulder with the RCMP to reduce the deaths in our province caused by people speeding on our highways. We take it very seriously. I know the police take it very seriously—

**Mr. Speaker:** Order, please. The minister's time has expired.

**Mr. Graydon:** *[inaudible]* cannot renew his insurance on his vehicle in a monthly or quarterly installments as he has done previously. He will be unable to renew his driver's licence without undue hardships. For a man that commutes to work every day from Gretna to Winkler, this is a tall order.

When my office notified the minister, they continued on their reckless path and sent a collection agency after him, and Mr. Turner has had enough.

Mr. Speaker, can the minister commit to meeting with Mr. Turner and resolve all the issues involved in a ticket, including Mr. Turner's reputation and his credit rating?

**Mr. Swan:** My first response—I did explain some of the challenges, and it's some of the things that all Manitobans need to do, and it is true, if you receive a park—if you receive a speeding ticket and you're either convicted or you say you'll pay it and you don't, if you don't pay that fine, there may be action taken. And Manitoba Justice does pursue individuals with outstanding fines. We believe it's important.

I thought the member for Brandon West (Mr. Helwer) thought that was important, but that was a different week. And then he did and he didn't, but that's another point.

But we believe that drivers who break the law, who break The Highway Traffic Act, actually should have to pay when they receive tickets.

And, again, I would point out to all Manitobans, it's very important that they continue to advise Manitoba Public Insurance of their correct address because that's the only place MPI—

**Mr. Speaker:** Order, please. Order, please. The minister's time has expired.

There are a few seconds left.

#### **Phoenix Sinclair Inquiry Responsibility for Missing Documentation**

**Mrs. Bonnie Mitchelson (River East):** Mr. Speaker, I think the answers from the Minister of

Family Services today left a lot of unanswered questions.

Very simple question to the minister: Why did the government not ensure that the files and the documents that should have been available to the commissioner from the Phoenix Sinclair murder, why did she, Mr. Speaker, why did her government not ensure that those files were in a secure, safe place so that Manitobans would have all of the answers and the commissioner would be able to do his work?

**Hon. Jennifer Howard (Minister of Family Services and Labour):** Mr. Speaker, well, as I've said before, there were and there are standards in place that speak to the confidentiality and the security of information, and that is our expectation when it comes to recordkeeping with regards to all child welfare cases.

We called this inquiry because there are unanswered questions, and we called this inquiry because we want to hear the answers to those questions. We want Manitobans to hear the answers to those questions, but more importantly than any of that, Mr. Speaker, we want to hear how we can go about improving not only the system designed to protect children but improving all of our province so that children aren't in need of that kind of protection. That's what we await to hear from the inquiry. Those are the recommendations that I think will be very important to transforming the future of Child and Family Services, and we'll take those recommendation as they come.

**Mr. Speaker:** The time for oral questions has expired.

## MEMBERS' STATEMENTS

### Charleswood Historical Society Centennial Committee

**Mrs. Myrna Driedger (Charleswood):** Charleswood turns 100 next year. The Charleswood Historical Society is busy planning this centennial, and I would like to congratulate them on their dedication and energy to fulfill their motto, Celebrating our Past; Embracing our Future.

The centennial committee has identified a wide range of ideas and events to celebrate the centennial next year. Once again, the people of Charleswood are stepping up to volunteer their time and energy to help with these celebrations. They have already published a calendar with wonderful photos of old

Charleswood, and these calendars are now available for sale through the Charleswood Historical Society.

Dan Furlan is the chair of the centennial committee, and plans are well underway for many exciting events. The Charleswood 100 logo was designed by local resident Doug Coates and will be used to brand all of the centennial activities.

The volunteer committee has big plans and hopes for the year. Some of the plans under consideration includes improvement and recognition of the historical sites of The Passage and Kelly's Landing, recognition of 100-year families and veterans and a canoe dock at Caron House. Research is also being done into the Red River buffalo hunt and the significance of the Buffalo Pound Hunting Site. Also proposed are the establishment of two trails off the Harte Trail: First Nations tribute trail and Old Pembina trail habitat preservations trail to save habitat and preserve our Red River cart trail history.

The Charleswood Legion plans to have a wall of pictures of Charleswood residents. A committee plans to go into schools to do presentations about local history. Other ideas include a children's fair, a lecture series, Doors Open Winnipeg at Caron House, fireworks, business improvement beautification, fashion show and car show and probably many, many others. The ideas are endless, and it should be a year of lots of celebration. We invite people outside of Charleswood to join with us in celebrating our 100th birthday. It is definitely time to celebrate.

Mr. Speaker, I wish to congratulate and thank all of the wonderful volunteers in Charleswood who are so enthusiastic about planning and carrying out this year-long event. Good luck to them with all of the events and activities, and they are indeed an inspiring group to work with. And I look forward to participating with them.

Thank you.

\* (14:30)

### Chancellor School Advisory Council

**Mr. Dave Gaudreau (St. Norbert):** As a society, one of the greatest things we can do for our children is to ensure their education and socialization. Schools play a key role in achieving this goal and it takes many people to create a positive learning environment. While staff members are irreplaceable and vital to all educational institutions, advisory

council volunteers are also important to the growth and prosperity of every school. The Chancellor School Advisory Council or CSAC in St. Norbert is one such wonderful example.

CSAC is a group of parents and guardians that support students and staff at Chancellor elementary school. It's actively involved in the school by means of classroom volunteering, field-trip supervision, helping with reading and special lunch-day assistance. Outside of school hours, this dedicated council organizes fun events for the students and their family including movie nights, a Peak of the Market fundraiser, a holiday concert auction. While some of these events act as a fundraiser for the school, they, most importantly, all bring the community together. Notably, the fundraisers are chosen carefully to reflect the council's values: social justice, nutrition, literacy and development.

Successful fundraising efforts have allowed CSAC to support Chancellor School in various ways. Recent council initiatives have included a \$2,000 subsidy towards the purchase of agenda books, kindergarten welcome bags, classroom grants, student leadership rewards, post-immunization snacks and an end-of-the-year grade 6 farewell celebration. Last year, the council focused on improving the school's play structure making it more accessible, adding more pieces and improving drainage. Every project the council has pursued has been prioritized in response to the needs of the students, their families and staff.

Mr. Speaker, the dedication of the Chancellor School Advisory Council to bettering the education experience of children is tremendous. Having attended the school functions, I have witnessed the phenomenal council teamwork and can assert that the students at Chancellor School are certainly fortunate. Thank you to the many council members who volunteer their time to improving their school's community. The council's positive impact on the community is, in fact, immeasurable and deserving recognition.

Thank you, Mr. Speaker.

**Les Kletke**

**Mr. Cliff Graydon (Emerson):** I rise today to recognize an outstanding writer and public speaker from my constituency.

Les Kletke from Altona has spent more than 25 years in the communication industry working as a

book coach, freelance writer and a highly regarded speaker on numerous issues. Throughout those 25 years, he has published six books as well as writing for many newspapers and magazines, winning numerous awards in the process.

Les studied economics and agriculture at the University of Manitoba, which led him to studying as a Nuffield scholar, allowing him to gain new agriculture experience in Britain. His work in the agricultural sector also allowed him to travel to Russia, the United States, Korea, Brazil, New Zealand, Mongolia and China. Les is also trained as an auctioneer, and is involved in many charity auctions for worthwhile causes.

Mr. Speaker, all of these skills have led Les to being named Canada's representative to the global farmers roundtable, world food symposium, in Des Moines, Iowa. The event invited 20 producers from all over the world to discuss trade and technology in the agricultural sector, and to better understand and address the challenges of filling an increased food and nutritional security gap.

The second part of Les's trip is to attend the World Food Prize event in which many, many more farmers and those employed in the agricultural industry will debate and discuss other issues in the industry, like food security, conservation solutions and emergency technologies in agriculture.

Mr. Speaker, Les is a respected voice in the agricultural industry and is well respected in publishing industry as well. His work helps many understand complex issues, and is a great educator in both fields.

I would ask all members of this House to join me in congratulating Les on all of his successes and wish him the best of luck in his future work.

Thank you, Mr. Speaker.

**Guru Nanak**

**Mr. Mohinder Saran (The Maples):** Mr. Speaker, on December 2nd, 2012, our honoured Premier (Mr. Selinger) and I were honoured to attend the Sikh Society of Manitoba's celebration of the birthday of Sri Guru Nanak Dev Ji, the founder of the Sikh religion.

While this celebration was held this past weekend, Guru Nanak was born on November 28, a month of great significance to Sikhs. It is a month of pride but also one of sadness.



Political instability and philosophical friction within the Indian state led to the 1984 genocide of Sikh people in New Delhi and many parts of India outside of Sikhs' homeland. People were tortured and set on fire, and women were raped and made to wander the streets naked.

This state failed to protect them. After 28 years nobody is convicted. The democracies of the world appeared to sympathize with the victims.

The month of November brings sorrow to the Sikh community, but also great pride, pride because they did not take revenge upon the innocent, though many innocent Sikhs were slaughtered, but chose instead to donate blood to save lives as well as to commemorate the memory of the victims of the 1984 genocide. The campaign of blood donation in North America began in November 1999 and has saved since then thousands of precious lives.

Mr. Speaker, I would like to take the time for us to stop here today and honour these many people, the Sikh people, for their sacrifice, and remember the religious freedom we enjoy in Canada and in the world today because of people like Sri Guru Nanak Dev Ji and Sri Guru Teg Bahadur Ji, gurus of Sikhism who taught us lessons of integrity and sacrifice.

Thank you.

#### **Magnus Eliason Recreation Centre**

**Mr. Rob Altemeyer (Wolseley):** Mr. Speaker, the Magnus Eliason Recreation Centre, known as the MERC, is located on Langside Street in the heart of the Spence neighbourhood. Led by the Spence Neighbourhood Association and the Youth Agencies Alliance, the MERC provides local youth with a safe place to play sports and take part in after school drop-in programs.

In October, our provincial government and Manitoba Lotteries partnered with the Spence Neighbourhood Association and none other than the National Basketball Association to unveil the newly renovated gymnasium at the MERC.

The new features include everything from a refurbished gym floor to new wall pads, new backboards, several dozen new NBA basketballs, new scoreboard, shot clock, timer, and many other features.

I was really pleased to join our Premier (Mr. Selinger) at the grand opening for this amazing celebration where kids from the local neighbourhood

had a chance to meet NBA legend and hall of famer Clyde the Glide Drexler. Members of the Minnesota Timberwolves and the Harlem Globetrotters were also on hand to help kids with their locals—help local kids with their skills and show off some of their professional moves.

Mr. Speaker, our government has really fought to promote the benefits of giving kids an opportunity to play sports in all parts of our province. I know from my own experience as a youth athlete, youth are able to grow as individuals and learn to work together as a team and, in turn, sport helps foster healthy neighbourhoods and communities where citizens can learn and work together and trust each other. The MERC is an essential part of this process in the Spence neighbourhood and the gymnasium's revitalization is an essential part in the amazing accomplishments that this community is achieving.

Today in the gallery we have with us: Jamil Mahmood, the executive director of the Spence Neighbourhood Association; Chino Argueta, the recreation and sports coordinator for the Youth Agencies Alliance; and Adam Wedlake, the executive director of Basketball Manitoba. These community organizations were essential in creating this lasting legacy in Spence neighbourhood, and I'd ask all of my MLA colleagues here in the House to join me in thanking them for their tireless efforts on behalf of today's youth.

Thank you.

**Mr. Speaker:** Grievances. Seeing no grievances—

### **ORDERS OF THE DAY GOVERNMENT BUSINESS**

#### **House Business**

**Hon. Jennifer Howard (Government House Leader):** Mr. Speaker, could we proceed with second reading of Bill 3, followed by Bill 12, 9, 14 and—yes, and 14.

**Mr. Speaker:** We'll now proceed with second readings of bills in the following sequence: Bill 3, Bill 12, Bill 9, and then Bill 14.

### **SECOND READINGS**

**Mr. Speaker:** So we'll now call Bill 3, The Employment Standards Code Amendment Act (Leave Related to the Critical Illness, Death or Disappearance of a Child).

**Bill 3—The Employment Standards Code  
Amendment Act (Leave Related to the Critical  
Illness, Death or Disappearance of a Child)**

**Hon. Jennifer Howard (Minister of Family Services and Labour):** I move, seconded by the Minister of Finance (Mr. Struthers), that Bill 3, The Employment Standards Code Amendment Act (Leave Related to the Critical Illness, Death or Disappearance of a Child); Loi modifiant le Code des normes d'emploi (congés en cas de maladie grave, de décès ou de disparition d'enfants), be now read a second time and be referred to a committee of this House.

***Motion presented.***

\* (14:40)

**Ms. Howard:** I'm proud to be able to introduce this bill and speak a little—to sec—move this bill to second reading, speak a little bit about it today.

This bill, of course, provides for new leaves for parents of critically ill children or parents of children who have disappeared or died as a result of a crime. The Employment Standards Code will be amended to provide job protection up to 37 weeks for parents of a critically ill child, up to 104 weeks for parents of children who have been murdered, and for parents of a child gone missing as a result of a crime, up to 52 weeks.

Consistent with other leaves under the code, an employee who has been employed by the same employer for at least 30 days would qualify for the leave, although, of course, I think it always bears saying that employers and employees can make their own arrangements as long as it doesn't provide for less than what's provided for in the code.

For an employee to be eligible for the critically ill leave, a physician has to issue a certificate stating that the child is critically ill as a result of a life-threatening illness or injury and requires the care or support of the employee.

In the case of a murdered or missing child, the leave would be available where it is probable in the circumstances that they child died or disappeared as a result of a crime.

And, of course, these definitions are patterned after the federal bill that will provide for income support for parents who take advantage of these leaves. The leave, under the code, will enable parents to access newly announced federal benefits. The federal government has indicated that it will provide

a federal income support for parents of murdered and missing children as of January 1st, 2013. That's why we're hopeful that we'll have co-operation of the House in order to move this bill through to third reading and proclamation before the House rises.

In addition, a new employment insurance benefit will provide up to 35 weeks of benefits to eligible parents who take leave from work to care for a critically ill or injured child. This income supplement is expected to be available in June, 2013.

I can't imagine the kind of trauma that parents who find themselves in these situations face. Certainly, my—one of the questions that was asked of me, when we brought in this bill, by the media, was how many parents would use this leave. And my answer was, I hope none. It's not a number that any of us, I think, can forecast.

In many cases, we know that parents whose children go missing, whose children may have been murdered—they face great uncertainty for a long period of time about how to put their life back together, if they ever can. They're involved with the police and the courts—processes that can be difficult to navigate and take time to resolve. In many cases, they may face attending in court for many, many months.

The uncertainty also exists for parents tending to a child with life-threatening illness. Parents who take leave from their job to care for a critically ill child or to deal with the aftermath of the murder or disappearance of a child often worry about their job—often worry that their job may disappear while they're away from work and they're focused on their child. And we know that the ability to get some income support benefits is important so that people can take the time that they need.

Dealing with these situations can require a significant period of time for parents to heal and attempt to overcome the tragedy. These parents require time to grieve, to address the severe psychological effect that they may be faced with and to deal with the stresses they face. And we believe that no parent should have to, on top of that, face the worry or fear that they may not have a job to go back to. That's why we've brought in Bill 3, to implement the consensus recommendations of the Manitoba Labour Management Review Committee, which will provide job protection for parents who take these leaves.

I also just want to let the House know that we will be bringing forward an amendment at committee

just for extra clarity, that in the event that a parent would be convicted of a crime that led to the death or disappearance of the child, of course, that parent wouldn't be eligible for that leave. It did seem to be practically assured in the federal bill they aren't eligible for the benefits, but we want to make very sure that they wouldn't be eligible for the job leave also. And I want to thank the members of the opposition for putting forward some constructive suggestions when it came to that.

So thank you very much, Mr. Speaker, for the opportunity to speak to this bill. We have had an opportunity to brief the opposition and, as I say, I look forward to the ability to pass this bill before the House rises at the end of this week. Thank you.

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, I rise to speak to Bill 3, The Employment Standards Code Amendment Act, dealing with leaves related to the critical illness, death or disappearance of a child. I welcome this legislation because I think it's helpful, useful and can be important in terms of helping parents adjust when there is a child who is critically ill, or on the death or disappearance of a child which is related to a crime.

I think that there are some areas which this legislation may need some clarification. Certainly, from my point of view, I want to speak from my experience as a physician looking after children with cancer, having dealt with many children who have been critically ill with cancer and be able to talk in that context on terms of how this might work and some of the flexibility that should be needed to be sure that is there in order for this bill to work optimally.

I think that the—it will be very important, as well, once this bill passes, that there be information on how this time is used that's very clear for parents, that's on the web or on information brochures but certainly readily accessible. At the time of—a child is critically ill, it's not a time when parents have lots of time to be figuring out things so that the—needs to be very easy and accessible and straightforward, so that people can use these measures and use these measures easily and readily.

One of the aspects that I think is pretty important is when one is—for instance, has a child who has a form of cancer. Very often there is some intensive treatment, during which time the child may be in a hospital or certainly often fairly sick for a period and need absolute day-to-day attention. But, then, over the next—and it may go on for a year or two or three

sometimes, depending on the treatment, there will be intermittent times when a child is very sick. It could be as a result of the cancer; it could be as a result of the chemotherapy and the treatment; could be as the result of an infection that occurs.

And it would be very important, in my view I offer to the minister, that this be flexible, so that a parent might be able to take a month at the start of a very severe illness, but might be able to take the other weeks at intervals of their choosing at later times, that the 37 weeks shouldn't have to be a continuous 37 weeks and that this be very clear in the legislation, in the regulations around the legislation. You know, if you—again, an example where a child may need—or parents may need to be there, you know, all the time for the first month but, then, after that it may be at 'intervittent' periods. And it may be, in fact, a year or two or sometimes even longer down the road that the child—the cancer comes back, and sad as though that may be, it may be another period of very intensive care and attention that is needed by parents.

But I think that it is important not only that there be that flexibility for parents to use that time which, when it works for them, but that they're—parents know this right at the beginning, and so that the parents can then plan and use the time optimally. Because the last thing you want, for example, is for a parent to use up the 37 weeks and, then, on the 38-week, the cancer in a child comes back and you have another very intensive period that you need to have a significant amount of flexibility.

\* (14:50)

And I would suggest that, if this is not adequately covered in this legislation, that there be an amendment. And if it can be covered in regulations, that you have some consultation with professionals who are in this area so that you can, in fact, make sure that it is optimum for parents of children who may be very seriously ill. That the—and it's not just with cancer. It may be with other illnesses that—they can be very serious, and the treatment may work for a while or there may be—not only a relapse, but a child, for example—I can give you a child who's now grown up and is a woman: when she was very young and she had a condition which left her in a very disabled state and that she had during her early years several bouts when she was very, very severely ill and could, in fact, have died, but these were not all in one 37-week period. They were at this time, you know, and then maybe a

couple of years later and then maybe three or four years later.

But there needs to be a level of flexibility, I believe, if this is going to work well. And that level of flexibility needs to be very clear in the rules, but it also needs to be made very clear to the parents when the child first gets sick so that they can plan adequately and know how best to use this type of a leave. It's not like a maternity leave where you have—a child is born and then you have a certain period of time, but this can be a, certainly, very on-again, off-again process, and the legislation and the regulations, I believe, need to recognize that very well.

I think that the situation with the death of a child—now, I've certainly got a lot more familiarity with the death of a child from cancer than from a child who has died after murder, but what I would say to you is this: that the parents may go through periods when they are, you know, just really consumed by what has happened to their child. And I think what is good is to have the longer period in this circumstance. But again, it may well be that this can be a—somewhat intermittent when the parent has these periods when they are totally consumed by what's happened to their child and they're really unable to work. And so I think, again, there should be some level of flexibility in these circumstances as well, and I think it would be important that that would be there.

The second aspect which I think may need a little bit of clarity, the—in sections 59.8(2) and later on in 59.9(1), where we have the definition of the employee who is entitled to leave under the section, part (a) says, a parent of the child. Now, I'm presuming, but I may be wrong, that this is a biological parent of a child that the minister is referring to, and if that's the case, maybe that should be there.

If that's not the case, it seems to me that the (b), (c), (d) and (e) spell out most of the tie—instances where we're dealing with non-biological parents, but there would be some special interest—incidences, certainly, I would suggest, and perhaps refer this to the minister. For example, where you have a surrogate mother who would be a biological parent in certain circumstances, and where does this precisely fit in and who has the lead? And what—and with these sorts of things need to be thought through ahead of time because of the variety of families that we have now. And I think that it needs to be clear

and that there shouldn't be, you know, uncertainty here in these definitions.

So I suggest to the minister that whether it is in the bill itself or is in regulations that there needs to be a little bit of additional clarity in terms of ensuring that you have the parents covered or the other people who we're looking at in terms of the guardian or foster parent, the person with whom the child has been placed for the 'pursposes' of adoption, et cetera. And one presumes, but—you know, that this applies to all who may be parents or involved in this circumstance. So that in—or for an individual child, there could be in some circumstances where you've got parents, presumably biological parents, the spouse of—where the parents are divorced, you may have two spouses of parents, you could have—where a child has been—has biological parents and there's been a divorce and there's two spouses and two biological parents and then the child has been adopted, you could have a fairly—a fair number of people who might be eligible to apply for leaves under the circumstances.

I don't have a quarrel with making sure we're inclusive, but I just want to make sure that the intent is clear in terms of what I presume is the minister providing that each and every one of these people in a particular circumstance would be able to have such leave.

I am fully supportive of this legislation. I think it's an excellent and worthwhile idea. I know that it's complementary to legislation which is coming at the federal level. And I'm certainly willing to work with the minister and others to get this passed as soon as possible. But I look forward to people who may come and present tomorrow. I believe it's going to be at committee stage, presuming we pass this, and I look forward to the ongoing discussion in having this in law as soon as possible.

Thank you, Mr. Speaker.

**Mr. Kelvin Goertzen (Official Opposition House Leader):** Mr. Speaker, our critic will have more comments to put on the record on third reading on this bill, but at this point we're prepared to move this committee—to committee in an expeditious fashion.

**Hon. Nancy Allan (Minister of Education):** Oh, sorry. Sorry.

**Mr. Speaker:** Is the House ready for the question?

**An Honourable Member:** Question.

**Mr. Speaker:** The question before the House is Bill 3, The Employment Standards Code Amendment Act (Leave Related to the Critical Illness, Death or Disappearance of a Child).

Is it the pleasure of the House to adopt the motion? *[Agreed]*

### House Business

**Hon. Jennifer Howard (Government House Leader):** Mr. Speaker, on House business.

**Mr. Speaker:** On House business.

**Ms. Howard:** Would you please canvass the House to see if there's leave for the Standing Committee on Human Resources to meet concurrently with the House starting at 11 a.m. on Tuesday, December 4th, 2012?

**Mr. Speaker:** Is there leave of the House for the Standing Committee on Human Resources to meet concurrently with the House starting at 11 a.m. on Tuesday–tomorrow, December the 4th, 2012? *[Agreed]*

The honourable Government House Leader, on House business.

**Ms. Howard:** On House business, I would like to announce that the Standing Committee on Human Resources will meet on Tuesday, December 4th, 2012, at 11 a.m., to consider Bill 3, The Employment Standards Code Amendment Act (Leave Related to the Critical Illness, Death or Disappearance of a Child).

**Mr. Speaker:** It has been announced that the Standing Committee on Human Resources will meet tomorrow, Tuesday, December the 4th, 2012, at 11 a.m., to consider Bill 3, The Employment Standards Code Amendment Act (Leave Related to the Critical Illness, Death or Disappearance of a Child).

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**Mr. Speaker:** We'll now proceed with Bill 12, The Community Schools Act.

\*(15:00)

### Bill 12–The Community Schools Act

**Hon. Nancy Allan (Minister of Education):** I move, seconded by the Minister of Family Services and Labour (Ms. Howard), that Bill 12, The Community Schools Act; Loi sur les écoles communautaires, be now read a second time and referred to a committee of this House.

His Honour the Administrator has been advised of the bill, and I table the message.

**Mr. Speaker:** It has been moved by the honourable Minister of Education, seconded by the honourable Minister of Family Services and Labour, that Bill 12, The Community Schools Act, be now read for a second time and be referred to a committee of this House.

His Honour the Administrator has been advised of the bill, and the message has been tabled.

**Ms. Allan:** The transformative power of education in schools is well recognized and documented. This power works best when students and families are positioned to take full advantage of investments in our public education system and the rich learning opportunities that it offers to all students.

Some students and families, however, are unable to take–make maximum advantage of these educational investments and opportunities due to a variety of personal, family and community circumstances, sometimes related to health, mental health, food and nutrition, and poverty. These circumstances can impede attendance, learning and high school graduation. They can also create challenges beyond what schools can be expected to handle alone.

The community school philosophy and way of practice provides an integrated response to address these challenges. With this approach schools serve as hubs of educational, social, recreational and cultural activities and interagency outreach services, deploying community, government and corporate resources to help students and families overcome barriers to learning so they can achieve success and participate in our economy.

Since 2005 the government of Manitoba has supported the expansion of schools adopting the community school philosophy and model in urban, rural and northern sites throughout the province. To date, there are 29 schools in 14 school divisions who have reported a variety of positive responses about the impact of this strategy on students and their families. This act will further strengthen community schools programming throughout the province by establishing an operational infrastructure. It will better assist schools in forging partnerships, mobilizing and leveraging resources and accessing training, thereby giving every student the best possible chance to succeed.

Bill 12 outlines the key features of a community school philosophy and model practice, including the various types of supports that may be required to overcome impediments to learning and assist students' success in school. While this approach is an asset for any community, the most significant value and impact occurs in vulnerable neighbourhoods with very diverse and sometimes vulnerable populations.

Consequently, Bill 12 calls for the establishment of the community schools program that will be comprised of schools serving socio-economically disadvantaged communities. As part of the legislation, schools participating in the program will be required to assign an employee to act as a community liaison at the school. This role helps to fulfill the essential function of developing and co-ordinating partnerships and mobilizing resources that align with the needs of students and families and the school's core 'instructural' programming.

This bill also calls for the establishment of the community schools unit and lays out the unit's responsibilities related to the provision of support to participating community schools.

I'm also pleased to add that this bill will establish a community schools network. The network will provide any public school interested in exploring the community school model and philosophy of practice with access to planning information, tools, study sites and a range of professional learning and training events and opportunities. The community schools unit will co-ordinate and maintain the community schools network.

The bill will establish a deputy minister's committee on community schools to provide overall direction to the program. Working collaboratively around a common agenda, the committee will help to provide timely responses to emerging issues, more effective policy and program alignment, efficient use of resources and stability for the long-term partnership development. A community schools advisory committee, also set out in the bill, will further strengthen the work of the community schools unit and the deputy minister's committee by providing guidance around program planning and the identification and provision of community assets and resources.

The Community Schools Act will help schools to better support students' educational success, break-build stronger families and improve communities all across our province.

Thank very much, Mr. Speaker, and I encourage all members to support the passage of Bill 12.

**Ms. Melanie Wight (Burrows):** Mr. Speaker, I am honoured to be here today speaking on Bill 12, The Community Schools Act, and I'm proud to be part of a government that has the vision to have come up with this originally and looking at schools as a community centre almost.

And it's just—I have one in my area, and it's called the Elwick village Community School, and the principal there is a woman by the name of Verland Force—and that, Mr. Speaker, is a fabulous name for her because she is completely a force in that community and a force for good along with all the people that work with her. And that school is the perfect description of a hub. It is just always full of activity and fabulous things going on in the community, and it has become a place of real trust for the community and it's a very diverse community.

So building trust within the community groups and all the different combinations of people that happen to live there hasn't been an easy thing, and I think that that—making that school a community—of a community school has really worked towards that goal of having everyone in the community working together for the betterment of the kids in their area, and it's pretty impressive.

We have, I think, spent about \$841 million in public schools, in capital in schools, and so I think it's so important that we really be making use of those assets, Mr. Speaker, to their fullest. And that is a piece of what this act is about. It helps our schools really reach out to the communities. This one's going to include having a liaison worker assigned who's going to be working to do that, to really be reaching out and making sure that those assets that Manitobans have invested in are being fully used.

They're not just being used from 8 o'clock in the morning 'til 4 o'clock in the afternoon. They're going to be used in the evenings and on the weekends, and I just can't think of a better way to make use of those buildings to be reaching out to our kids in that way.

And it's going to be for so many different things Mr. Speaker. It's not only, you know, reaching out in the area of sports, but it also is adult literacy programs, and I know we have those happening in schools in my community in The Maples. They have them in their school and other different areas where we have adult education going on. We have health and mental health services happening in there, early

childhood education programs. Well, of course, you're aware that all the new schools that are built in this province now include early childhood education programs, and we can't stress the importance of that.

And I'm really proud to see that we are a Province that has not been cutting our education. I was just at a meeting last week with one of the school divisions and they were sharing some of the information of what the other provinces are doing. And they have made some significant cuts to education in various provinces throughout Canada. I'm very pleased to see we're not doing that. One of them was they cut kindergarten completely out of the program, and in a time when we are learning more and more and more how important early childhood education is to the future of our children, I'm certainly pleased to say that I'm in a province where I don't think that will ever happen as long as we're in government. And it's just so important to me and to Manitobans.

\* (15:10)

I'd also like to mention just some of the things that we've done, in addition to this, that show our commitment to the children of our province. And one of my favourites is the K-to-3 classroom sizes because that is one where we know the effects of that added attention and how important it is to the future success of our children. And so, I think it's an investment where we're going to see returns well beyond anything that we can imagine as we start doing those kinds of things in education.

I love the legislation to keep kids in school until they're 18, Mr. Speaker. I think it's just tremendously important, again, to the future of our youth and really helps people find creative ways to work with kids and find what their area is that they're going to really excel in, and I think keeping them those extra years is really, really 'verly' valuable.

So, I would just like to again state how excited we are about this act, and pray it will go forward.

Thank you, Mr. Speaker.

**Hon. Kevin Chief (Minister of Children and Youth Opportunities):** Just like to say it's an honour to put a few words on the record on The Community Schools Act. There's a—there's, of course, many things I could talk about of the importance of the—of a community schools, but there's a—three, in particular, that I'd like to highlight and share. We, of course, are seeing how incredibly diverse classrooms are becoming, how incredibly important schools are

becoming, particularly for young people that come that have, maybe, socioeconomic barriers, who maybe are—who are new to our country, new to our province. And, you know, schools have become a real hub of activity and a place where, you know, families really feel a strong sense of belonging.

And as we look at the importance of schools in our community, teachers and educators and people that work in our communities talk about the importance of young people being able to connect in—with a enriched curriculum, Mr. Speaker, and how important school projects become. So, you know, point 1 is when we have community schools that reach out to the community and bring people in. I think a really good example of that would be the emphasis that we put on the Aboriginal Academic Achievement Grant, where performers can come in, where storytellers can come in.

You know, we can find ways in which to enrich the curriculum. Another good example of that would be in a local school that is a community school working really closely with the University of Winnipeg on a program called the Eco-U on campus, where grades 4, grades 5, grade 6 students actually go on campus and learn science by tenured 'faculty' professors, Mr. Speaker. A lot of them first time being on campus, and they're learning science by professors. This is a really great example of how schools can do outreach with, you know, local and post-secondary institutions. In fact, they—we—we're able to coin a phrase called, a tap on the shoulder, which basically says that all young people, regardless of their background, regardless of they come from, that they should get a tap on the shoulder to say post-secondary is for you. We're not waiting 'til, you know, grade 9, 10, 11, 12 to give young people a tap on the shoulder; we're starting that at grade 4, starting that at grade 5, starting that at grade 6, so that teachers and educators can work in partnership with non-profit organizations in partnerships with our post-secondary. So we're able to enrich the curriculum, highlight some of the very unique things going around and—with school projects on highlighting diversity.

Number 2, the other thing that community schools really puts a lot of emphasis on is this idea for unique programs. Someone like myself, Mr. Speaker, when I was in school, I had a natural draw to sport, and so I was able to, you know, join the cross-country team, the volleyball team, the basketball team. And so there was a natural structure there for me to participate in because of my love for

sport. But for a lot of young people that may have low self-confidence, low self-esteem, that might not've had the enrichment opportunity because their mom and dad might not've been able to afford to put them in, they need some unique programs to build their self-confidence and self-esteem. And we're seeing how much work that we're seeing around, you know, cultural programs, recreation programs, leadership programs and a lot of that exists in the community. Now, often what can happen is we want to make sure that young people that are in school can connect to those programs, and school and these partnerships, the community schools, can start connecting these programs with schools, Mr. Speaker.

You know, I was just very proudly able to announce our After School Leaders program. It's a great example how—of how Community Schools Act is going to be very supportive. You have a private sector, the Winnipeg Jets True North Foundation, working in partnership with the Winnipeg School Division, in essence to start five local high schools puts an emphasis on mentorship, leadership, you know, employment opportunities. There is a big impact on that work in the classroom because it's a partnership with the schools, Mr. Speaker, and the big thing is that we're starting to connect these things. We understand that young people that are involved in positive things outside the 'classroom' has a direct impact on what happens to them inside the 'classroom.'

The community schools are saying that it's a great hub of activity to take a non-profit organization, a private sector organization, and match it up with what's going on in the schools. When you have administrators, principals, vice-principals, you know, promoting the idea of schools, the idea of community to teachers, teachers promoting that to their students and then students promoting that to their families what you do is you do get academic achievement, you do increase the ability for young people to learn, develop and grow. And so, when we're able to provide these unique programs what ends up happening, Mr. Speaker, is young people, through their communities, start develop a level of self-confidence and of self-esteem that they start to try out for school sports teams, they get more involved in leadership, they get more involved in cultural programs connected to their school community. So being able to bridge that gap is going to support some of the young people who may be, at times, struggling to have that self-

confidence to try out for mainstream school activities.

And No. 3, Mr. Speaker, it puts a lot of emphasis on the idea of parents, caregivers, people who really care about their children or care about children doing well in school. We understand how important it is to make sure that, you know, parents are going out to parent-child-parent-teacher interviews, they're involved in their child's educational career. And sometimes there needs to be some additional outreach. Sometimes there needs to be some additional support. Sometimes barriers need to be removed to help with that. Some of our parents, some of our grandparents don't always have the best experiences at school when they were young. And so, the idea of community schools is going to help parents and caregivers and older brothers and sisters and aunts and uncles get a sense of belonging within the school community.

You know, some of the other pieces why this becomes so important, Mr. Speaker, is that we want to make sure that young people in our province that we're able to develop their talents, develop their gifts. A great example of this is I always share the story of I Love to Read. And, you know, I Love to Read is one of these things that we do together in the country where we get role models to come out and read to children, and the idea is that you can read to kids and you inspire them to want to read and the idea of a role model is anyone who can create and influence change—that's what a role model is. And so, one of the things we do in public ed every year in February is we get people to come out and do I Love to Read. I'm a former basketball player, and so I always used to get asked to do this as a basketball player. Now, being in politics, of course, and being someone who worked in the community, I always get asked to go and read to kids and tell them how important that is.

Well, every year, Mr. Speaker, I always bring a young person with me. This past year, I brought a young girl—she was 14 years old. Her name is Jessica. She runs—she looks after young people as part of summer employment. And I got to read to some students, and I got to read a book and I brought Jessica to read a book. And we both read to these kids.

The great thing is about when you read to children, grade 1s, grade 2s, grade 3s, they all sit down and you read to them and you ask them do you have any questions after you're done reading. All



their hands go up. They all have questions for you. Often, they don't ask you questions anything to do with what you read to them, but they got a lot of questions for you. So I read the book because I was invited as the role 'moder'—role model, and I brought Jessica with me, who's 14, so we asked all the kids: You have any questions? All the hands go up. Eight out of 10 questions, they don't ask me; they ask Jessica. And they ask Jessica because she's younger, because they see Jessica as someone they can relate to. Now, if a role model is anyone who can create, influence change, well then who's the more effective role model, me or Jessica? Well, clearly these kids are asking her because they look up to her. That's how you create and influence change.

\*(15:20)

Community schools, what it does is it gives Jessica the structure to be able to inspire children to read, to inspire young people to do good things, to do positive things. What it does is it removes barriers for Jessica so she can actually go out in the community and develop her skills and develop her talents. It also is going to allow young people like her, through a variety of activities and initiatives, to give back to her community. And I've said here many times that we should be defining generosity by not how much money you have, but your ability to give up something that means a lot to you: your ability to give up time. And there are thousands of young people in our province, Mr. Speaker, who may not have a lot of money, but they're always willing to give up their time. They're always willing to volunteer. They're always willing to do things to make their community better. This—The Community Schools Act will allow young people to be able to do that.

What it does is it not only builds a strong structure for people to do that, Mr. Speaker, but it puts in good supervision. It puts in that type of mentorship we need. You know, teachers are some of our most powerful role models. So the supervision is there. It also is going to build skills of young people. That's the importance of mentorship and leadership and those types of things.

Mr. Speaker, so I'm very proud of the commitment of our government on The Community Schools Act. I know that it's going to continue to build a lot of partnerships. It's going to maximize the services and resources within our neighbourhoods and our communities. It's going to support young people who may have barriers, particularly young

people who come from backgrounds of, you know, low socio-economics. And so very proud of this bill that I'm proud to be able to stand and put a few words on the record.

Thank you, Mr. Speaker.

**Mr. Matt Wiebe (Concordia):** I'm thrilled to stand to speak to Bill 12 and to this exciting piece of legislation that we're moving forward with. So I'm also very proud to be following the Minister of Children and Youth Opportunities, and I think some of the points that he made with regards to the work that he's doing in his department and the initiatives that they're taking and how that fits in with this particular piece of legislation, I think, is exciting work. And I think there's a lot of opportunities there that we need to explore.

I don't think you'll get much debate on the idea of education being an integral part of our success in this province and an integral part of how we see our future going forward, but it is interesting to note that we're putting in the investments necessary to see those things through. And there certainly was a time when that was a very different story here in Manitoba, but I digress and I won't get too far down that road.

But I do want to, in particular, speak to this bill, because it's something that I do have knowledge about and some experience with, the community schools model, and it's a model that I've seen in action and I've seen how it can affect families and how it can affect the students and really change how a community sees itself and how it can see itself moving forward and how it can see itself building it—going into the future.

In my community I have a community school, and it's a place where we have some of the best educators. We have some of the best programming, and with the community schools framework around it are able to connect those resources to, frankly, the kids in my neighbourhood that do need it the most and the families that need it the most. It's really building a hub and it's building an access point for families and for students that, you know, frankly we sometimes think that the programming that we do, you know, it fits a certain need or it fits a certain segment of the population. But sometimes they have trouble accessing that and I think that's what the community schools—this is where it's been unique and successful in that it brings those programs down to the level of the folks in the community.

So, you know, the students are already spending their time in the classroom and in the school setting, and by offering those programs to the students and through the students to their parents makes all the difference for how the folks in the community can then see that programming.

And, again, you know, I talk a lot about the idea that we sometimes as legislators are at 30,000 feet, you know, and we're looking at the community and saying, well, this is a good program; this fits this need and this will address this particular problem. But unless that actually connects with families and that actually connects with the people that need it, we're not going to be successful.

*Mr. Mohinder Saran, Acting Speaker, in the Chair*

So I think that's what's the key in this particular legislation and how it will be successful going forward. You know, we talk about how the programming—how the—we want to connect folks to the programming, and it's not just, you know, what's happening in the classroom and it's not just what's happening even before and after school, although those are very particularly important programs. But it also connects people with adult skills training. It connects people with the financial literacy training that's so important, to nurse practitioners and to the health of the community, and it really gets them to the level where they can start seeing how they can help their own community and they can feel strong and they can feel a sense of identity.

One of the most successful programs in particular in my neighbourhood has been—it has an Aboriginal focus and it's been connecting the parents and the students with teachers around that—around their Aboriginal heritage, and it brings them together, allows them to discuss issues in that context. It allows them to feel community and build community based on that common thread, and it helps them develop what our programming will look like going forward. So we're getting feedback from what's happening on the grassroots level and it's coming back up into the programming, and we know that this is stuff that's working and it's working to make the lives of families better.

But, you know, I think really what the purpose of this legislation is, is to say that this is just the beginning, that we've seen how it can work but that there's so much more potential, and so I'm so proud to see that we're putting the resources in that will make that difference, that we see that it will go to the next level, that we will have dedicated folks within

the schools to see this programming connected, and also an oversight—a general oversight to get this programming, continue it and to make it—keep it going forward.

So, with those few comments, Mr. Speaker, I appreciate the opportunity to speak to this legislation, and I commend the Minister of Education (Ms. Allan) on her initiative in bringing this forward and on continuing to move Manitoba forward in this regard.

Thank you, Mr. Speaker.

**Mr. Kelvin Goertzen (Steinbach):** I move, seconded by the member for River East (Mrs. Mitchelson), that debate now be adjourned.

*Motion agreed to.*

**The Acting Speaker (Mohinder Saran):** Now we are going to move the Bill 9, the Teachers' Society amendment, second reading.

#### **Bill 9—The Teachers' Society Amendment Act**

**Hon. Nancy Allan (Minister of Education):** I move, seconded by the Minister of Entrepreneurship, Training and Trade (Mr. Bjornson), that Bill 9, The Teachers' Society Amendment Act; Loi modifiant la Loi sur l'Association des enseignants du Manitoba, be now read a second time and be referred to a committee of this House.

*Motion presented.*

\* (15:30)

**Ms. Allan:** The Manitoba Teachers' Society has requested of government that certain amendments be made to The Teachers' Society Act. This request came to government following the society's most recent annual general meeting where proposed changes to the legislation were discussed and endorsed by their membership.

*Mr. Speaker in the Chair*

While it is important to note that the changes in the bill do not impact the department's responsibility for the certification of teachers—in other words, the authority to set the requirements necessary to grant a licence to teach as well as to remove that licence in appropriate circumstances—they do enhance the capacity of the society to perform its critical function of establishing, maintaining and enforcing standards of professional conduct and a code of conduct for its members. The changes to the legislation expand the

range of penalties for members who, following an investigation and hearing, are found to have engaged in unprofessional conduct or conduct unbecoming to a teacher. In addition to the current provisions enabling the review committee to admonish or censure a member or recommend to the minister that the member's teaching certificate be suspended or revoked, it can also direct that a teacher be suspended or terminated as a member of the society or impose such other penalty as the bylaws of the society may prescribe. Importantly, the bill also sets out that the society, again, through its bylaws establish a process whereby a teacher whose membership has been terminated may be reinstated.

To this point, the cost of an investigation and hearing on an allegation of unprofessional conduct have been borne entirely by the society. The society has expressed the view, supported by its membership, that if a teacher is proven to have engaged in unprofessional conduct, it is reasonable for that teacher to bear some portion of the costs if so ordered by the review committee. Therefore, the bill enables the review committee to order the payment of costs up to a maximum of \$5,000. Further, if it becomes necessary to do so, the bill allows the society to file an order for payment of those costs in the Court of Queen's Bench, which then allows for enforcement of that order.

I support the society's request and believe the changes are reasonable and sensible. Parents, students and community members and, of course, teachers themselves believe that high professional standards are critical in the vocation of teaching. This bill enhances the capacity of the society to address issues of unprofessional conduct in a more comprehensive way. The government supports this endeavour and commends the Manitoba Teachers' Society for taking these important steps to ensure the highest professional standards. I recommend to the House that Bill 9 be supported and passed.

Thank you very much, Mr. Speaker—Deputy Speaker.

**Mr. Kelvin Goertzen (Steinbach):** I move, seconded by the member for Midland (Mr. Pedersen), that debate now be adjourned.

*Motion agreed to.*

**Mr. Speaker:** We'll now call Bill 14, The Education Administration Amendment and Public Schools Amendment Act (Parent Groups for Schools).

**Bill 14—The Education Administration  
Amendment and Public Schools Amendment Act  
(Parent Groups for Schools)**

**Hon. Nancy Allan (Minister of Education):** Mr. Speaker, I move, seconded by the Minister of Finance (Mr. Struthers), that Bill 14, The Education Administration Amendment and Public Schools Amendment Act (Parent Groups for Schools); Loi modifiant la Loi sur l'administration scolaire et la Loi sur les écoles publiques (groupes de parents œuvrant en milieu scolaire), be now read a second time and be referred to a committee of this House.

*Motion presented.*

**Ms. Allan:** Education is critical to the future success of our children and our province, and we all collectively play a part in it. No one, Mr. Speaker, plays a more important role than that, of course, of parents. Parents act as first teacher and because of the bond which they share with their children are intimately invested in their educational well-being. Studies have shown that children perform better academically when their parents are active and supportive in their children's school and in their learning. Support for the classroom teacher and school administration, advocacy as appropriate, and participation in school-based decisions through parent groups are all ways in which parents shape and improve the learning experience of their children.

Bill 14 addresses the formal role parents can and do play in schools. To begin, the bill recognizes the Manitoba Association of Parent Councils, MAPC, as the representative organization for school-based parent groups for school divisions other than the Division scolaire franco-manitobaine, the DSFM. The Fédération des parents du Manitoba, the FPM, is the organization representing the interest of parents in the francophone community. I am very pleased to make reference in legislation to MAPC, as this organization has, through the dedicated efforts of its executive and administrative staff, expanded its number of member schools, provided helpful resources to parents, given constructive advice to parents through its advocacy project and been an important resource to me in helping inform my perspectives and decisions related to the K-to-12 public education system.

I'd like to express my thanks to the president of MAPC, Judith Cameron, her executive and the executive director, Naomi Krause, for the ongoing good work of the organization. This bill will set out

the requirement of the minister to meet with MAPC at least annually, something which I enjoy doing every year.

I must also say how appreciative I am of the contributions that MAPC makes at the provincial oversight committee. Along with all of our other education stakeholders, MAPC's perspective has been so helpful in our deliberations regarding the new provincial report card that has been just sent out to all of our schools for the first time in the history of this province. And I have to tell you, the feedback that we are getting back on the provincial report card is wonderful at best. At—they are also sitting on our committee now to help us in our deliberations around the kindergarten to grade 3 class-size initiative, and I know they will make a huge contribution as we move forward with the—our class-size initiative.

Bill 14 also formalizes at the school level the role of the parent council in the development of the annual school plan. Where a council exists the principal of the school will consult with that group on the plan's preparation. The bill so—also sets out the role of the principal in providing to parents information on the role and function of parent groups, the manner in which one may be established and the right of parents to become a member of such a group. I am gratified by the knowledge that this already happens in many of our schools, with principals taking a proactive approach in providing information to parents and encouraging their participation and support.

Mr. Speaker, children do better in school and our education system is strong when parents are actively engaged as partners in education. This bill recognizes the good work of MAPC in supporting parents at the school level and encourages greater parental involvement. And I am pleased we are debating this bill on the very day that my colleague the MLA for St. Norbert did a member statement recognizing the Chancellor School Advisory Council for their contribution to the enhancement of the education experience. When parents are involved in their schools, everyone does better.

I support wholeheartedly the amendment sent out in Bill 14 and recommend their passage to this House. Thank you.

\* (15:40)

**Mr. Dave Gaudreau (St. Norbert):** Well, Mr. Speaker, it's a great pleasure to rise today in support of this and to talk a little about parent advisory councils.

Earlier on today, I had a member from my parent advisory council from Chancellor School here in the gallery and was able to present her with a nice plaque on the words that I spoke about, how important the parent advisory councils are in our area.

Last year, parent advisory council at Chancellor, they raised money to create an accessible playground for some of the children in the area who are bound to wheelchairs. So that council has taken on roles in the community of looking at what is good for everyone and they're teaching social responsibility to their children who go there. And they involve—not only did they involve the school administration, they involved all the children in the school in this project, too. So the children are learning that there's great things that can be accomplished when we all work together.

I also want to recognize that Bonnycastle School, which is in my area, has another fantastic parent advisory council. And through the work that I've been doing with them and they've been doing with the school division and the school, we had a great announcement a few weeks back with the Education Minister and the Premier (Mr. Selinger), so we're going to be doing a eight-classroom expansion, which is a part of our commitment towards lower classroom sizes on the K-to-3 initiative. And we're also adding into that, we're adding a daycare facility—74-seat daycare facility in the area, which is a fantastic announcement for the area and for the school.

And all of that is made possible through partnerships with these advisory councils letting me know and letting the trustees know what's needed for the area. So these councils are very important for all of us.

I have another great council in the area at Parc La Salle School, and this weekend I had the honour of working their breakfast with Santa. I worked the door and sold tickets to everybody as they came in and had breakfast with Santa. And all of the kids of the area come and get to sit on Santa's lap and get to tell him what their wishes are for Christmas. And that advisory council is so active in their community and they raise money every year for great projects like a gardening project that they're going to be doing this next summer. That council is one of the fun ones that I get to work with in the area.

Also La Barriere Crossings, their advisory council there, the principal there meets with

everybody once a month and asks the parents what they'd like to hear on topics that are related to the school. And every month she presents them with things that are going on in the school. Great information for the parents and for myself to hear, in the school and in the community.

So these kinds of groups are really important, and I'm confident that the opposition is going to come forward and support this because they had that speech about how great volunteers are and how, you know, they were pointing out all the volunteer organizations in our communities and how much money they've raised and how fantastic it is that we have all these organizations and all these volunteers. So these parent advisory councils are just another step—they're another part of all these volunteers that do great work in our community.

Now, it's interesting because today in the paper we reported that they're having—themselves, having trouble finding volunteers for any of their stuff. It doesn't seem to be that way in the Pembina Trails School Division; we have fantastic volunteers that come out and all of the school division volunteer groups are fully—every seat is fully filled and they're a fantastic group of people. So, maybe I'll work together with the opposition and see if some of those members can come out and work with them to do some of the literature jobs that they're desperately needing.

But, you know, I just think it's very important that we recognize that these people are absolutely the cornerstone of our schools, and working with them and the parent advisory council and the principals, and all of the vice principals and all of the teachers in the school, we can make the—great things happen.

I mean, if you look at what our policy has been over the last 12 years, we've been growing schools. We're—actually had a great announcement where a school is going to be built in the Leader of the Opposition's riding. It's too bad he didn't attend, but I was there, because, you know what, it's important for Manitobans; it's important for everybody. So, you know, I decided to attend even though that he decided not to be there. We're going to be putting \$28 million into a school in the opposition leader's—of the opposition's riding. I think that just shows what caring and great education system we have.

We're also going to be building a new school at some point in the future in Bridgwater—point—sorry, Pointe West area. And—you know, and I'm committed to working with the community on that.

And we're going to move along and keep building towards new schools and education, as opposed to in the '90s when we saw rollbacks of 6.6 per cent, Mr. Speaker—6.6 per cent rollbacks. Schools were, you know, being closed, education was not important. So, you know, if we want to do a contrast, I'm sure that the Leader of the Opposition will stand up and support this bill, even though he didn't stand up and come out for his community on the day that the announcement was made for a record investment in his community of \$28 million in a brand new school. Which, Mr. Speaker, I might add, also includes another 74 daycare spots, which is a total of 148 new daycare spaces in our area, partnered with education. *[interjection]* Thank you. This is fantastic news for the south area of the city, and, you know, if the member for the opposition, if the leader, doesn't know about these things, I'm glad to inform him because I go to those meetings. I can totally tell him anytime something like this comes up. Glad to work with him, you know. *[interjection]* Yes, it's fantastic, Mr. Speaker.

We're not—you know, we're not cutting things. We're actually building our province. We're growing on education. We're growing the capacity to teach our kids. We've got great things going on, and these parent advisory councils are just one other aspect of how we can all work together to make our communities better. And every one of these councils in my area is fantastic to work with. They are all have such a commitment to the school and to the education of their children. You know what? Some of the students as they move along to other schools their parents still sit on those councils because they believe so much in what is going on in the community. So we have to give them absolute credit for being there all the time even once their children have moved along to other schools.

So it's with great pleasure that I stand up here to support this parent advisory council bill. And I think that, you know, one of the greatest things that we do in our society is educate our children, and it's towards the future of everything that our province is building for. If you look at all of our jobs that are coming up, all of the economic growth and development, all of this stems back from the fantastic education system that we have and how we're going to train those workers for tomorrow. So, with that, Mr. Speaker, I support this motion and I thank you very much.

**Mr. James Allum (Fort Garry-Riverview):** It's always an honour to get up and speak in the House,

and it's always an honour especially to get up and speak in support of bills aimed at education in our province. And I'm honoured to work with the Minister of Education (Ms. Allan). She is a change agent for a progressive education system in the 21st century here in Manitoba, and Bill 14 is just one example of many examples that we will bring forward—certainly, talk about—myself, in the next few minutes, about our government's contribution to education in Manitoba.

Now, I think I've told the House about all they really want to know—all they want to know—about my own educational background. I did end up spending a lot of my teenage years and then my adult life in academic institutions—was lucky enough to get a Ph.D. and also lucky enough to do that when I was raising my own three kids. I come from a school of teachers—a family of teachers, Mr. Speaker. My oldest sister, who's almost 14 years older than me, was teaching grade 1 when I was in grade 1 and so that was always useful; I actually brought her home information that she could use in her own classes that I'd learned that day myself. Also, my older brother taught English in southern Ontario for nearly 30 years and is a fantastic teacher. And then I'm also proud to say that my own oldest daughter, who's now 25—I can hardly believe it, is a teacher, and she's teaching in Kuwait right now, but she's got both languages. She has French immersion; she learned that here in Manitoba's great education system. So I'm always proud to get up and speak to matters that relate to public education in Manitoba.

And when I look back at our record on education since we've been in government in 1999, I'm just blown away at the things that we've been able to achieve. We believe in a balanced approach, and I think everyone knows that. I—certain that the members opposite are becoming more and more aware of that particular phrase. They operate in an imbalanced kind of way. But funding for schools has increased at or above the rate of economic growth for the last 13 years. That's a pretty remarkable statistic considering the uncertain economic times that we live in. So that increase is all—actually over 53 per cent, or more than \$411 million has been added to the public school education budget since 1999. I think that's really remarkable. And then on top of that is another \$841 million has been invested in public school capital projects since 1999, as the member for St. Norbert (Mr. Gaudreau) just indicated. We continue to build educational institutions. We continue to make sure that they have

child-care centres associated with them. What we want to make—do is make sure the children of all Manitobans have an opportunity to get the full value of their education.

\* (15:50)

Our grad—as a result of this investment, Mr. Speaker, our graduation rates have increased to 83.5 per cent, as of 2011, from 71 per cent in 2002, which, to help with math on that side of the House, that's a 17 per cent improvement since 2002.

But, then, if you look at those are just the statistical financial issues, then you look at sort of the quality control that also goes on in schools: commitment to reduce K-to-3 class sizes to 20 students by 2017—fantastic commitment on our part; legislation to keep kids in school until they're 18—another fantastic piece of legislation on our part, to show them that education matters and that they need to stay in school; a new parent-friendly plain language report card. And I know that when I was a parent and my kids were coming home with their report cards, and they were all doing fantastic, I'm sure, I often didn't understand what they said, so a plain-speaking, plain-language report card can only enhance parents' participation in the education of their own children.

We've come up with common in-service days within school divisions to help families co-ordinate their busy schedules; God knows with three kids, and I think others would understand that as well, we'd come home after a day of trying to organize how their life went and then we'd find out that there was teachers' day the next day and have to organize all that. So we've done practical, simple things that make—improve the quality of education on the one hand, but make life better for families on the other. And that's the whole objective.

Now, education is a—partly about making sure that we have sustainable economic growth in the future. Education is also about expanding the knowledge base among our—among Manitobans. But, more than that, education is about building citizenship, participation in the community. We're more than just taxpayers here in this province. We are citizens of a greater community, and education teaches us quite a bit about what we can do from a citizenship point of view.

So Bill 14 is in that vein. It tries to encourage a more parental participation that is already going on in schools to this day, and last week I had the

opportunity to go to a Winnipeg School Division No. 1 meeting that brought parent councils together with school trustees and, frankly, MLAs from this side of the House. I don't see anybody from the other side of the House at the meeting; perhaps they were there. I know my friend from Burrows was there. It was very educational. And from—

**An Honourable Member:** Tyndall.

**Mr. Allum:** From Tyndall Park, of course, my friend was also there. We sat together with parent councils, with administrators, with teachers, with principals, and we talked just about what we should be doing to advance public education here in Manitoba.

It was a fantastic meeting and quite valuable, and I was proud to be there with my colleagues as well as members from parent advisories—councils in my constituency. And I've had the pleasure, Mr. Speaker, of going to all the parent advisory councils at the schools—I think there's 8 or maybe 9 schools in my constituency—and I'd met with these folks and I'm just in awe of the work that they do. They not only do the school lunch programs, which are fantastic from a nutrition point of view, make sure every kid's got a full belly to go on learning during the day, they do fundraising activities to support school trips and other enhancements at the school, and then in addition to that, they're all involved in school transformation, school playground transformation projects that just blow you away because it's no longer just thinking of that asphalt pad outside the school where kids are supposed to go for recess. Now we think of those as actual schoolrooms, as places to learn and to grow and develop.

And so, when I see the work of parent advisory councils and the work that they do throughout the full school day and on behalf of schools, I'm just blown away by their contribution to the welfare of our communities.

And so Bill 14 tries to enhance what's already going on. It recognizes the Manitoba Association of Parent Councils, or what we call MAPC, as a representative organization for school-based parent groups for all English-speaking school divisions, and I think that's fantastic.

In addition, it also—Bill 14 formalizes the role of the parent council in the development of the annual school plan. And so where a council exists at a certain school, the principal of the school will consult with that group on the plan's preparation, and what I really like about that is that it gets parents

involved, not just in fundraising activities which are absolutely incre—important, but in terms of their participation in the annual school plan. And I think that that's just something that makes all the difference in the world. Parents feel like they're part of the school. Kids feel, obviously—are part of the school, but they feel like their parents are engaged, and it makes a real difference in the attitude that the student has each day to be willing learners.

So Bill 14—and in giving more roles to the parent advisory groups, certainly recognizes the role and function of parent groups, the manner in which they'll be established and the right of parents to become a member of such a group. And if I could make any suggestion at all, it's to make sure that more parents become part of parents advisory groups, to take full advantage of that opportunity to be an important player in what the school's doing and also to send a clear signal to your son or daughter that education matters.

Education certainly matters in this—to this government. We've been leaders, not only in Manitoba but across the country, in public education. I'm pleased today, Mr. Speaker, to stand and support Bill 14.

Thank you.

**Mr. Kelvin Goertzen (Steinbach):** Mr. Speaker, I move, seconded by the member for Spruce Woods (Mr. Cullen), that debate now be adjourned.

*Motion agreed to.*

**Hon. Jennifer Howard (Government House Leader):** Mr. Speaker, will you please call second readings on Bill 8 and Bill 10.

**Mr. Speaker:** We'll now call second reading on Bill 8, The Provincial Court Amendment Act.

#### **Bill 8—The Provincial Court Amendment Act**

**Hon. Andrew Swan (Minister of Justice and Attorney General):** I move, seconded by the Minister of Advanced Education and Literacy (Ms. Selby), that Bill 8, The Provincial Court Amendment Act; Loi modifiant la Loi sur la Cour provinciale, be now read a second time and be referred to a committee of this House.

*Motion presented.*

**Mr. Swan:** This bill will provide for the use of electronic documents in the Provincial Court. The Criminal Code of Canada, the federal law which governs criminal matters, allows the use of electronic

documents in relation to matters under that statute, provided their use is in accordance with either the rules of the Provincial Court or an act of the Legislature. This bill will enable their use for Criminal Code matters as well as matters related to other provincial or federal enactments. This bill will support ongoing work to develop and implement an electronic system in court and eliminate most of the paper processes currently used by the Provincial Court.

Mr. Speaker, the Provincial Court is a very busy court. It handles the vast majority of charges—in fact, 97 per cent of charges moving through the criminal justice system. Currently, almost the entire process is paper-based. Moving to allow the acceptance of electronic documents in the court system will increase the efficiency of our courts, our police and other law 'enforshment'—enforcement officials and other partners in the justice system, and will continue to modernize and streamline the justice system. Eliminating paper will streamline the criminal justice system and significantly reduce its paperwork.

This amendment specifies that electronic documents may be filed with and created by the Provincial Court. The amendment also specifies that if a document is filed and is required to be signed, an electronic signature—a secure electronic signature as specified in the regulations—will be considered valid. Scanned documents can also be received and used to process matters in Provincial Court.

This is one of the many measures we're taking, Mr. Speaker, to innovate and streamline our justice system. We've worked with many partners across the system. We've assisted our police through investments in things like the police cadet program, through the helicopter, through amendments to amend Manitoba Public Insurance legislation to free up officers from having to take reports which would only be duplicated at MPI sometime later.

We've also worked within the court systems to make sure that we're getting the most we can out of the individuals who work very hard within that system. As many will know, we have a new director of innovation who's been working very hard with our partners to find different ways that we can streamline things and move things more swiftly through our justice system.

When we do things, Mr. Speaker, we intend to do them right, and we're moving ahead on this measure to reduce the amount of paper flowing into our court system, make sure that matters aren't

delayed or that documents aren't misplaced. And I can advise this House, there will be many other advancements on the justice front to come, as we continue to build a better, stronger and swifter justice system.

So, Mr. Speaker, I do look forward to the support of this House in having this bill passed.

**Mr. Reg Helwer (Brandon West):** I move, seconded by the member for Spruce Woods (Mr. Cullen), that debate be adjourned.

*Motion agreed to.*

\* (16:00)

**Mr. Speaker:** We'll now call Bill 10, The Correctional Services Amendment Act.

#### **Bill 10—The Correctional Services Amendment Act**

**Hon. Andrew Swan (Minister of Justice and Attorney General):** I move, seconded by the Minister of Entrepreneurship, Training and Trade (Mr. Bjornson), that Bill 10, The Correctional Services Amendment Act; Loi modifiant la Loi sur les services correctionnels, be now read a second time and be referred to a committee of this House.

*Motion presented.*

**Mr. Swan:** This bill seeks to clarify the authority to intercept, monitor and restrict inmate communications in provincial correctional facilities. This will enhance the security of those facilities while at the same time enhance public safety. Now, I know we will have the opportunity to discuss the bill in more detail at the committee stage, but there are some important points that I'd like to bring to the attention of honourable members.

Mr. Speaker, the control of inmate communications is a vital aspect of institutional security and public safety. It is necessary and desirable for incarcerated individuals to be able to maintain communications with people in the community, be they friends, family members or legal counsel.

However, it is also necessary to ensure that inmates do not use the available communications systems in our correctional centres to plan or commit illegal acts or to carry out criminal enterprises while incarcerated. Such acts, of course, could affect the security of the correctional facility, including attempts to introduce illicit drugs or other contraband into facilities, or they may be directed at members of



the public, such as attempts to threaten or intimidate domestic partners, witnesses and victims. They may also attempt to contact individuals, including former domestic partners, in violation of court orders made against them, and because of this it's essential that correctional authorities have clear authority to control inmate communication.

Mr. Speaker, this bill provides corrections officials with the clear authority to intercept all inmate communications, and where reasonable grounds exist to do so to monitor and restrict those communications. The bill also describes clearly what constitutes these reasonable grounds as well as protecting privileged communications such as communications between inmates and their legal counsel from interception or monitoring.

In addition, Mr. Speaker, this bill includes provisions for more detailed regulations with respect to the control of inmate communications including the handling, retention and disposal of inmate communications as well as the various procedures respecting the interception, monitoring and restriction of inmate communications. The control of inmate communications has proven to be an effective and essential means of protecting institutional and public safety, and this bill will enhance the ability to do so.

I do want to take a minute to thank the individuals who work on our correctional system. It is not an easy job that they do. We know that there are certain challenges, and I know that our correctional officers continue to meet those challenges to a high degree of—in a very professional way.

So, Mr. Speaker, I look forward to the support of this House in having this bill passed.

Thank you.

**Mr. Reg Helwer (Brandon West):** I moved—*[interjection]* no, sorry. Oh—

**Mr. Speaker:** All right, I'm sorry, the honourable member for St. James.

**Ms. Deanne Crothers (St. James):** Thank you, Mr. Speaker. My apologies.

I'm happy to stand and speak in support of Bill 10, correctional services amendment. As the minister stated, this bill is designed to create greater protection for the public by preventing incarcerated criminals from continuing to harass the public from jail. As some of their behaviour has led to being

convicted of a criminal offence while free, it is reasonable that we would not allow that same type of behaviour to continue while serving their time.

If there is a belief that an inmate is using a call for criminal activity or harassing partners, victims, witnesses or the general public and reasonable grounds for this have been established, corrections officials can monitor or listen in to the call. Inmates are notified that telephone calls may be monitored, however, some calls considered privileged communication won't be, such as a call between a lawyer and client. This amendment still respects the need and right for privacy, but not at the expense of a victim of a crime or abuse. And speaking of expenses, the cost associated with amendment is cost neutral.

What I find particularly satisfying about seeing this bill in the House, is that it complements our provincial domestic violence strategy so well. The work that we have done to decrease domestic violence will be enhanced by this amendment. That strategy was developed with input from province-wide public consultations. With the public's guidance and input, we have created the strategy which Bill 10 supports.

Women who are caught in a cycle of abuse with a partner, who have found the courage to press charges, may find that their abuser can continue to harass and intimidate even after they have been arrested and placed in jail. It is difficult to prove that someone is harassing you under these circumstances, and I suspect many women or victims of a crime who have found themselves in this type of situation would likely feel unable to prove definitively that this is taking place. Likely, they have simply tried to cope with it. It seems exceptionally unfair to anyone who has had the courage to stand up to an abuser or someone who has committed a crime against them, only to find themselves still burdened by their dark intentions even if they have been physically removed.

The amendment will allow provincial facilities to have a way to prove that a criminal indeed acting in a way that harms a member of the public and will allow them to stop it by being able to record and listen in on conversations. Where the criminal is co-ordinating with others to act on their demands, we create an opportunity to prove their actions and no longer allow them to continue. It will allow victims of abuse or victims of crime and the public at large to know that justice continues to function as it should

for criminals even after they have been incarcerated. Those who most need the protection of the law after being a part of the process as a victim will continue to have the assurance that the person responsible for their abuse or for causing them to be a victim will not be able to continue influencing their lives.

I feel very good about being a member of a party that recognizes and acts on the needs of the public, with the public.

I hope that all members of the Legislature will support this bill. I appreciate having an opportunity to speak in support of Bill 10 and would like to thank the Minister of Justice (Mr. Swan) for bringing this valuable piece of legislation forward.

Thank you, Mr. Speaker.

**Ms. Sharon Blady (Kirkfield Park):** It is a privilege to put a few words on the record about Bill 10. As someone that has had the privilege and opportunity of working in the larger domestic violence prevention strategy and in the interpersonal violence and technology network, this bill is very significant in what it does for victims. And it balances the need for the privileged communication for those who are incarcerated for what—their rights, but at the same time it provides a protection from ongoing harassment and from the possibility of someone misusing the access that they have to communications to either engage in ongoing illegal activities and/or to continue to victimize members of—whether it's their own family, whether it's a variety of people that can be victimized.

And this legislation is very significant as part of the larger provincial domestic violence strategy. And as part of a multi-year strategy that has been developed with input from province-wide public consultations, research and strategy review committees, this particular piece is one more crucial piece into—in providing peace of mind for victims and giving them a layer of prevention by denying access to them. And then also, at the same time, provides a layer for justice to be able to locate and prosecute those that do engage in that kind of behaviour once they have already been incarcerated and don't necessarily realize the full consequences of their actions and feel that they are at liberty to continue engaging in such negative and destructive behaviour.

So I would just like to thank the Minister of Justice for the work that he continues to do with the Minister responsible for the Status of Women, and

the entire team that has been working both in Corrections, in Victims Services, and to the many community partner organizations and shelters, because this is one more piece that helps protect women and other victims of domestic violence.

Thank you very much for your time, speak—Mr. Speaker.

**Mr. Reg Helwer (Brandon West):** I move, seconded by the member for Lac du Bonnet (Mr. Ewasko), that this bill referred to the committee of this House—*[interjection]*—oh—sorry—sorry, the debate be adjourned. Yes, we're corrected, Mr. Speaker—

**Mr. Speaker:** It's been moved—

**Mr. Helwer:** Sorry.

**Mr. Speaker:** It's okay. It's been moved by the honourable member for Brandon West, seconded by the honourable member for Lac du Bonnet, that debate be adjourned. Is that agreed? *[Agreed]*

**Mr. Speaker:** We will now move on with Bill 10, I believe. *[interjection]* No, that was Bill 10.

**Hon. Jennifer Howard (Government House Leader):** Could we move ahead with second readings on Bill 4 and then move to Bill 6 and then Bill 7.

**Mr. Speaker:** Okay. We'll call bills in the following order: Bill 4, followed by Bill 6, and then Bill 7, starting with Bill 4, The Personal Health Information Amendment Act.

\* (16:10)

#### **Bill 4—The Personal Health Information Amendment Act**

**Hon. Theresa Oswald (Minister of Health):** I move, seconded by the Minister of Justice (Mr. Swan), that Bill 4, The Personal Health Information Amendment Act; Loi modifiant la Loi sur les renseignements médicaux personnels, be now read a second time and referred to a committee of the House.

His Honour the Lieutenant Governor has been advised of the bill, and I table the message.

Mr. Speaker, I need to retract what I just said and start again. I made a mistake.

I move, seconded by the Minister of Justice (Mr. Swan), that Bill 4, The Personal Health Information Act; Loi modifiant la Loi sur les renseignements

médicaux personnels, be now read a second time and be referred to a committee of this House.

***Motion presented.***

**Ms. Oswald:** When we discuss details about our own health and health care with our doctor or nurse practitioner or any other provider we have a right to know that the information will be kept confidential. Bill 4 will further strengthen The Personal Health Information Act to provide improved protection of patients' private and confidential health information. The Personal Health Information Act, or PHIA as it has come to be known, already provides strong protections for patient privacy.

Under the current legislation, Mr. Speaker, an employee can be charged with an offence and subject to a fine for wilfully disclosing personal health information without authorization. However, if they wilfully access or otherwise use personal health information appropriately but do not disclose it, no such penalties currently apply under the act. We would commonly refer to this as snooping, and, indeed, it is unacceptable.

These amendments that we're putting forward represent a response to recommendations, but made by Manitoba's Ombudsman. The Ombudsman looked at an issue because, indeed, this very situation happened: an employee at one of our organizations, our health-care organizations, accessed the personal health information of a patient when, indeed, they had no business to do so. It was a clear violation of a patient's privacy and it was unacceptable.

Once the amendments are in force, Mr. Speaker, employees will have to ensure that they have proper authorization before accessing someone's personal health information, better protecting people across the province.

In addition, Mr. Speaker, we're also making it a finable offence to knowingly falsify personal health information. This particular notion has been implemented in a few other jurisdictions and we will add this to our legislation as well, feeling that it is prudent to provide even better protection for patients.

Instituting penalties for snooping and falsifying information sends a strong message throughout the health-care system that such actions will not be tolerated. Under the amended act individuals will face a fine of up to \$50,000 if convicted.

Mr. Speaker, we must, however, recognize that there are many, many instances where it does,

indeed, benefit a patient for someone else to know certain details of their medical situation. Obviously front-line health-care professionals having access to information that directly affects their patient's individualized care and treatment plan is very important and we would not want to stand in the way of that kind of authorized access.

There are also a number of circumstances, Mr. Speaker, where family can and should have access to the health information of their loved ones. We know, in a modern society, that families' loved ones can be very important partners in the care of their loved one. They have critical information to provide to caregivers and in turn, can react to information when it is provided to them about the care of their loved one. We know that when The Personal Health Information Act first came into being, there was something that came to be known as PHIAnoia that developed, and that the system in some respects seized up and was very reticent to share information, even when the sharing of that information was very appropriate and would have resulted in better care for a patient.

We did a lot of work with patient safety advocates, Mr. Speaker, and amended The Personal Health Information Act some years ago to clarify and address what I believe was always intended with the original legislation, thus making it sure that information was protected but indeed that family members and other appropriate individuals would have access to information when it could enhance the care of an individual.

So, certainly, I agree wholeheartedly with what the Ombudsman has suggested to us, which is why we're bringing forward these amendments today, to protect against snooping and against falsifying information, but we want to make sure that we also send an equally strong message, that we need to be partners and we need to share in the responsibility of caring for our loved ones, and that in no way will these amendments cause us to retreat to a time when information was not shared when appropriate.

So with those few words, Mr. Speaker, I recognize the need for protecting that which is most sacred to us, our most private, intimate and personal health information and the details therein, while at the same time ensuring that patients in our facilities get the best possible care from a united, cohesive, collaborative and co-operative discussion about that person's care. Thank you very much.

**Mr. Speaker:** Any further debate on the legislation? The House ready for the question?

**Some Honourable Members:** Question.

**Mr. Cameron Friesen (Morden-Winkler):** Mr. Speaker, I move, seconded by the member for Brandon West (Mr. Helwer), that debate be adjourned.

*Motion agreed to.*

**Mr. Speaker:** We'll now move on with Bill 6, The Highway Traffic Amendment Act (Flexible Short-Term Regulation of Vehicle Weights and Dimensions).

**Bill 6—The Highway Traffic Amendment Act  
(Flexible Short-Term Regulation of Vehicle  
Weights and Dimensions)**

**Hon. Steve Ashton (Minister of Infrastructure and Transportation):** Mr. Speaker, I move, seconded by the Minister of Local Government (Mr. Lemieux), that Bill 6, The Highway Traffic Amendment Act (Flexible Short-Term Regulation of Vehicle Weights and Dimensions); Loi modifiant le Code de la route (réglementation provisoire des poids et des dimensions des véhicules) be now read a second time and be referred to a committee of this House.

*Motion presented.*

**Mr. Ashton:** Mr. Speaker, this bill provides more flexible process for short-term variations in terms of permissible vehicle weights on our highways. I think, as members will be aware, this is a challenge at various times of the year, particularly in the spring, and what this is aimed at doing is addressing a number of types of scenarios.

When road conditions permit higher weights, such as early winter conditions, when highway upgrades are completed and emergency situations where detours are necessary due to events such as floods or landslides, and, of course, we've had a significant experience with that, just the last number of years.

Currently, highway classifications and permissible weights on highways are prescribed by Lieutenant Governor-in-Council under the vehicle weights and dimensions and classes of highways regulations; long-term classifications of permissible vehicle weights on highways will continue to be set by these regulations. However, the regulatory process can be somewhat lengthy, in terms of the

implementation of increased permissible vehicle weights.

\* (16:20)

These amendments will allow the minister and his or her delegate to issue orders for temporary short-term variations to the permissible vehicle weights on highways or to highway classification. Ministerial orders can be implemented much more quickly than regulatory amendments, reducing any potential delay in the implementation increase permissible vehicle weight. The proposed ministerial order-making powers will be limited to a maximum of a two-year period. Decisions regarding the ability of a highway or a roadway to carry heavier weights will continue to be based on acceptable engineering standards and, of course, road and weather conditions.

Proposed new provisions clarify the ability for the minister and his or her designate to impose spring road restrictions by order and enable seasonal RTAC routes to be established by order, rather than by regulation.

Sessional RTAC routes or highways are currently only classified in the vehicle weights and dimensions, and classes of highways regulations, as RTAC routes from December 1st to the last day in February of every year, after which point, they go back to lower highway classification. This will give greater ministerial order powers and greater flexibility in setting the dates for seasonal RTAC routes.

I do want to note that the Keystone Agriculture Producers have praised this proposed move to a weather-based approach rather than a rigid calendar schedule.

And I know I got the attention of members opposite. I'm sure they'll want to join with us with our continuing partnership with the agricultural community and, in fact, now approaching 13 years of listening to our agriculture community, because I can indicate that this has been a significant concern with our ag producers. They asked for it and we are delivering, Mr. Speaker.

And I want to indicate that this is also reflective of climate change. We're certainly seeing a significant shift, and when these kind of restrictions need to be put in place, we're seeing, for example, in some parts of the province, you know, quite a significant shift to when winter begins and when spring comes. I think everybody in this province,

over the last weekend, is certainly aware that winter is with us. And I think that it's important to note that we're anticipating this kind of flexibility will be needed on a greater basis in upcoming years with climate change.

And I do want to indicate that there are amendments that deal with signage, affected periods, et cetera, and there are a couple of minor amendments as well.

But I do want to just conclude by saying, Mr. Speaker, I do want to thank our trucking industry. We work very closely with our trucking industry in this province.

And I invite members to check out the new highways map, which is just one more symbol of the degree of which—*[interjection]* Yes, I was going to say, the member for Lakeside (Mr. Eichler) just may—maybe put his own picture on the back. He doesn't like the picture on the back. I know that's been a practice of some MLAs. That's fine, Mr. Speaker.

But the Manitoba Trucking Association has long argued for this. And also I want to indicate, Mr. Speaker, this is continuing with the kind of work we're doing with Saskatchewan, where we've got greater synchronization with the province of Saskatchewan when it comes to RTAC weights, both the total weight now and also our seasonal restrictions. And so I think it's something that the Manitoba Trucking Association is very supportive of. It's something Keystone Agriculture Producers played a lead role in asking for. We're bringing it in. I know *[inaudible]* will be onside.

And I look to members opposite: we might be able to make this unanimous and perhaps move it through quickly. I think it would be very useful if we could get this in place prior to next spring, particularly with a potential for early spring conditions. So I look forward to members opposite joining with us, joining with the trucking association—Manitoba Trucking Association—joining with farmers as represented by the Keystone Agriculture Producers, and perhaps, getting on board with this excellent piece of legislation, which, I think, will make a real difference for everyone in the trucking industry, many people in the farm sector, and many of the businesses that are part of our growing economy here in Manitoba.

So the time is now, Mr. Speaker, and I hope members opposite will support this.

**Mrs. Mavis Taillieu (Morris):** Mr. Speaker, I move, seconded by the member for Lakeside (Mr. Eichler), that debate now be adjourned.

*Motion agreed to.*

**Mr. Speaker:** We'll now call Bill 7, The Planning Amendment and City of Winnipeg Charter Amendment Act.

**Bill 7—The Planning Amendment and City of  
Winnipeg Charter Amendment Act  
(Affordable Housing)**

**Hon. Ron Lemieux (Minister of Local Government):** I move, seconded by the Minister of Housing and Community Development (Ms. Irvin-Ross), that Bill 7, The Planning Amendment and City of Winnipeg Charter Amendment Act (Affordable Housing); Loi modifiant la Loi sur l'aménagement du territoire et la Charte de la ville de Winnipeg (logement abordable), be now read a second time and be referred to a committee of the House.

*Motion presented.*

**Mr. Lemieux:** Mr. Speaker, as communities grow in many of our cities and towns across Manitoba, community leaders are concerned about the availability of affordable housing.

We have seen great population growth in Manitoba over the recent years, particularly in the Winnipeg region and other areas of Manitoba, including Brandon. Manitoba's population reached 1.2 million in 2011, an increase of 5.2 per cent or almost 60,000 people from 2006. Growth rates in these areas are expected to continue to rise as Manitobans move—sorry, as Manitoba moves forward with our successful strategy to bring more immigrants to work in our province. This rate of growth, which has not been seen in generations, will increase the need for a range of housings housing families across a variety of income levels. Having a place to live is still a key component to the Manitoba success story. This is true for new Manitobans and established ones as well.

Community leaders have asked for more tools to increase the amount of affordable housing available in their community. I am proud to introduce this legislation that will give municipalities throughout Manitoba another mechanism to ensure Manitobans have access to affordable housing. This authority, which is commonly known as inclusionary housing—

or inclusionary zoning refers to two—sorry—refers to bylaw provisions that either require or encourage developers of market residential projects to include units for low- and moderate-income households.

It's fundamental objective is to ensure affordable housing is available on a permanent basis to a wider mix of incomes in all new residential developments. Over time, this means that a wider range of housing options are available to all income groups across the entire community.

We know mixed income developments enrich local culture and support diversity that reflects the community overall. It also ensures greater access to improved services and a range of neighbourhood amenities for all Manitobans. Thus, inclusionary housing is presented as an outcome in comparison to exclusionary housing. It's a way—excuse me—to see our communities.

The legislations—the legislation being presented holds new provisions that are enabling to municipalities. It will be entirely up to the members of a municipal council or planning district board whether they use this tool, and if they do, whether they seek voluntary developer involvement through incentives or take a mandatory approach. Local authorities will decide to use this tool based on their local needs and conditions.

In addition, as well, with all zoning bylaws, the municipality will be required to hold a public hearing on an inclusionary housing bylaw before it can be officially adopted. This way, we ensure the public is engaged in the process as well.

As we were bringing forward this legislation, we made sure to consult with key stakeholders. Consultations were held with the Department of Housing and Community Development, the Association of Manitoba Municipalities, the cities of Winnipeg and Brandon, and we have heard from the community-based non-profit and affordable housing groups that indicated general support for the concept of bylaws to require or enable affordable housing. We've also had conversations with the Urban Development Institute.

The amendments to The Planning Act and the City of Winnipeg Charter clearly empower all municipalities to pass bylaws to require or encourage affordable housing when warranted by community conditions.

The legislation incorporates the following provisions: enabling authority for a planning district

board or municipal council to pass a zoning bylaw to require a specified percentage of the residential units within a development be affordable to low- and moderate-income households; (2) is to—enabling authority to relax some provisions in the zoning bylaw, including density. If a developer provides a public benefit in return, increased density is a very important tool to achieve affordable housing. Smaller lot or unit sizes can lower per-unit housing costs and provide for more effective use of infrastructure. Existing legislation in British Columbia and Ontario use similar provisions, called density bonusing, as a way to achieve the construction of affordable housing by developers; No. 3, a condition that a zoning bylaw for a new residential development requiring affordable housing may be imposed only if a definition of affordable housing is specified in the bylaw. Municipalities will define affordable housing based on local context and needs, which can defer greatly from community to community. However, resources like those provided by the Canadian Mortgage and Housing Corporation can guide municipalities as they seek to properly defining affordability for their community, provisions for development agreements between a municipality and developer to specify the required number, type and extent of affordable housing units and the necessary measures to protect the ongoing affordability of the affordable housing units.

\* (16:30)

This legislation will complement HOMEWorks!, Manitoba Housing and Community Development's long-term housing strategy and policy framework, to promote quality and affordable housing markets and encouraging more housing options for Manitobans.

I look forward to debate on Bill 7 from all members, as we surely all see that Manitoba is growing and we must provide the right tools to municipal leaders as we are seeing many new communities develop in all corners of this beautiful province.

Thank you, Mr. Speaker.

**Mr. Blaine Pedersen (Midland):** Mr. Speaker, I move, seconded by the member for Spruce Woods (Mr. Cullen), that debate now be adjourned.

*Motion agreed to.*

**Hon. Jennifer Howard (Government House Leader):** Would you please call Bill 11 and Bill 13.

**Mr. Speaker:** We'll now proceed to call Bill 11, followed by Bill 13. Starting with Bill 11 first.

**Bill 11—The Proceedings Against the Crown Amendment Act**

**Hon. Peter Bjornson (Minister of Entrepreneurship, Training and Trade):** I move, seconded by the Attorney General (Mr. Swan), that Bill 11, The Proceedings Against the Crown Amendment Act; Loi modifiant la Loi sur les procédures contre la Couronne, be now read a second time and be referred to a committee of this House.

***Motion presented.***

**Mr. Bjornson:** I'm very pleased to stand in the House today to speak to the amendments to The Proceedings Against the Crown Act. Right now all provincial, territorial and federal signatories to the Agreement on Internal Trade are taking steps to ensure that awards under the agreement of internal trade are enforceable in the same manner as orders against the Crown.

In particular, the current amendment is needed by all parties to the agreement in the event that a compliance panel in a person-to-government dispute under the AIT awards a monetary penalty against a party for failure to implement a panel ruling. The amendments we are making to The Proceedings Against the Crown Amendment Act fulfills Manitoba's commitment to fully honour its obligations required to implement the recently revised dispute resolution chapter of the Agreement on Internal Trade. Upon ratification and entry into the force of the 14th protocol of Agreement on Internal Trade, the revised dispute resolution chapter will include monetary penalties for failure to comply with the dispute panel recommendation for persons-to-government disputes. As of November 2012, four jurisdictions have ratified and signed the 14th protocol of amendment, being Manitoba, Alberta, Canada and Québec.

So, to put this in context, Mr. Speaker, Manitoba previously amended the proceedings to the Crown act in 2009 to incorporate specific articles in the agreement relating to potential monetary penalties awarded in government-to-government disputes. Specifically, the 2009 dispute resolution chapter of the agreement includes monetary penalties for failure to comply with the dispute panel recommendation for government-to-government disputes as determined by a compliance panel. The maximum potential penalties range from 2,000–\$250,000–

pardon me—to \$5 million, depending on the size of the jurisdiction. In the unlikely event of a penalty against Manitoba, the highest the penalty could be is \$1.5 million.

Now, with the recent agreement to extend such awards to person-to-government disputes, we can now simplify this provision by making a more general reference. We can do this by removing references to specific articles in the AIT, and this means that no further Crown act amendments would be needed, even if future editing changes were required, such as the renumbering of articles in this chapter of the Agreement on Internal Trade.

The alternative, Mr. Speaker, would be to list at least 12 specific articles from the agreement in total, and further amendments to the Crown act would be required at a future date as and when article numbers are amended.

As background, the Agreement on Internal Trade is an agreement that governs trade in key areas between the jurisdictions within Canada. Effective in 1995, the federal government, all provinces and two territories at the time signed the agreement. Its purpose is to reduce and eliminate barriers to internal trade.

As a co-lead with New Brunswick on the Council of Federation's initiatives on internal trade, Manitoba has consistently taken the leadership role in both the negotiations and implementations of this agreement. We've worked diligently to improve the effectiveness of the agreement, eliminate trade barriers, enhance the competitiveness in businesses and address the common concerns of individuals, businesses and governments.

This amendment is necessary to provide that the order for a monetary penalty or cost order issued by a panel under the Agreement on Internal Trade may be filed with the Court of Queen's Bench in Manitoba and would be enforceable as an order for the payment of money made by the court against the Crown. As noted earlier, cost orders can be issued by a panel under both government-to-government and person-to-person dispute processes. The first changes under the government-to-government procedures were made to ensure dispute resolution procedures were more enforceable, effective and fair, and, namely, an appeal process was added with respect to panel decisions. A compliance review was implemented which could lead to monetary penalties against parties that were found to have an inconsistent measure but had not rectified it. A

summary review was also implemented allowing parties to obtain and expedite a compliance review for existing disputes during a transition period, and a potential suspension of dispute resolution privileges provided further incentive to ensure the implementation of panel rulings.

These revisions addressed concerns that the record of implementing panel decisions was very disappointing despite sound panel decisions. The implementation of panel rulings was further improved by establishing provisions allowing for possible monetary penalties of up to \$5 million in the event that a government fails to implement a panel ruling. Individual penalties reflect both the seriousness of the violation and the impact on the market. A tiered approach to monetary awards also took into account the size of the population of the jurisdiction, and, as I've mentioned before, in Manitoba's case the maximum potential penalty would be \$1.5 million.

This early work was followed by revisions to the person-to-government dispute process in June 2012. These revisions essentially mirror the previous improvements and provide for the same additional reviews and effective procedures. This means that if a private individual or business can successfully prove that an—to an AIT panel that a measure has been contravened, the AIT—they may be awarded a cost order to recover reasonable costs incurred to bring compliance. In the event that a jurisdiction does not bring its measure into compliance with the AIT, the compliance panel may award a monetary penalty. All monies from the monetary penalty over and above the cost of the awards will be provided to a research or educational project in support of international trade, and these projects will be under the direction of the committee on internal trade. This approach ensures that jurisdictions have an incentive to be compliant with the AIT and at the same time that individuals do not have an incentive to reap windfall gains. This current change to the dispute resolution chapter fulfills the commitment made by the premiers and the ministers to internal trade to enhance the dispute resolution procedures under the agreement.

We can attest to the effectiveness of the changes to the dispute measures. Manitoba has successfully used the revised government-to-government dispute mechanisms to ensure that the rights of Manitobans under the AIT are respected. Manitoba successfully led a 2011-2012 dispute against Ontario, and once again the western provinces worked together as

Saskatchewan, Alberta and BC joined the compliant—joined this complaint, pardon me, as interveners. Ontario has since revised its legislation that it be compliant with the agreement, and Ontario will now allow certificate-to-certificate recognition of the certified general accountants practising public accounting from Manitoba without any further training required. While we won on behalf of Manitobans, accountants from any province or territory in Canada also benefited from this panel ruling.

It is also useful to point out that, in keeping with our commitment to honour our obligations under the agreement, not a single Manitoba measure has been subject to a dispute panel. I am pleased to say that we are doing our part as a Canadian jurisdiction to ensure the compliance with our obligations, and we expect all other parties to do the same—all other parties to the AIT.

\* (16:40)

Thus, in conclusion, Manitoba has consistently—*[interjection]* Well, I know the members opposite would like to hear more. I know they'd like to hear more but, in conclusion, Manitoba has consistently advocated a national approach to improving internal trade. Let me emphasize national approach to improving internal trade. And the participation of all parties to the agreement helps us achieve our objective of a single market within all of Canada.

So, with the introduction of this bill, Mr. Speaker, Manitoba demonstrates a further—its further leadership on internal trade by being one of the first jurisdictions in Canada to act on these obligations under the AIT.

I thank you very much, Mr. Speaker.

**Mr. Cliff Graydon (Emerson):** I move, seconded by the member for La Verendrye (Mr. Smook), that the debate be adjourned.

*Motion agreed to.*

**Mr. Speaker:** We'll now proceed with Bill 13, the Fish and Wildlife Enhancement Fund Act.

### **Bill 13—The Fish and Wildlife Enhancement Fund Act**

**Hon. Gord Mackintosh (Minister of Conservation and Water Stewardship):** I move, seconded by the Minister of Local Government (Mr. Lemieux), that Bill 13, The Fish and Wildlife Enhancement Fund



Act, be now read a second time and be referred to a committee of this House.

His Honour the Administrator has been advised of the bill, and I table the message.

**Mr. Speaker:** It's been moved by the honourable Minister of Conservation and Water Stewardship, seconded by the honourable Minister of Local Government, that Bill 13, The Fish and Wildlife Enhancement Fund Act, be now read for a second time and be referred to a committee of the House.

His Honour the Administrator has been advised of the bill, and the message has been tabled.

**Mr. Mackintosh:** Mr. Speaker, this bill would set in place in law, for the first time in Manitoba, a dedicated support for fish and wildlife projects in this province. I want to, at the outset, thank the member for the Interlake (Mr. Nevakshonoff) for bringing this idea forward to my office and, as well, giving support to the Manitoba Wildlife Federation's interest in having legislation like this put into place when it comes to wildlife protections.

The member for the Interlake did a tremendous job dealing with stakeholders and consulting to determine if there was an interest in proceeding at this time with legislation and, as well, provided a lot of important recommendations in terms of how the legislation could be designed.

The bill, first and foremost, establishes the Fish and Wildlife Enhancement Fund. Under this enhancement fund, monies will fund fish enhancement initiatives as well as wildlife enhancement initiatives. It, of course, builds on the efforts, the experience of the fish enhancement fund that is in place in Manitoba, the work in large part of David Carrick and many others that are stakeholders on that fund.

What is particularly different here, of course, and what is, I'm confident, attractive for those who have been involved in fish enhancement initiatives is that this now trenches in law the fund and, as well, for the first time, requires it to be a dedicated fund.

The fish and wildlife enhancement initiatives include, of course, projects that can serve fish and wildlife populations. It includes projects or programs to promote, manage and restore the habitats that species rely on. Initiatives under the bill include studies on fish and wildlife populations, hunting, trapping and angling education programs, as well as the acquisition of property by purchase or lease to

protect critical habitat that the species may need to survive.

I might add that I certainly have heard time and again an interest by—particularly hunting stakeholders of the need to expand aerial surveying and making sure that we understand populations and trends and, of course, top of mind comes—top of mind is the interest in ensuring a healthy moose population in Manitoba.

Payments into the fund include fees placed on fishing, hunting and trapping licences. We want, of course, these licences to remain affordable so the fees will necessarily have to be nominal, and we will discuss with the stakeholders what the fee structure should be and listen to the interests of others as well to make sure that we meet the objectives of both the enhancement fund and affordability.

The monies generated from fish-related fees will be directed to the fish enhancement account. Monies from the hunting and trapping-related fees will be directed to the wildlife enhancement account.

The bill also provides the ability to prescribe certain fees on other types of licences, permits, certificates and other authorizations respecting fish and wildlife. Gifts or grants or bequests, donations and other contributions can also be placed into the fund.

I might add we are also looking at the experiences in other jurisdictions. Many of the other provinces on both sides of us have approaches that are similar to this.

To ensure ministerial government accountability, of course, the minister is responsible for the management of the fund overall and may make or authorize payments from the fund to support fish and wildlife enhancement initiatives and also the operation of government fish hatcheries. The cost to administer the act in relation to these initiatives will also be covered by the fund.

The bill establishes the fish and wildlife enhancement committee. The committee consists of a chair, members of the fish enhancement subcommittee and members of the wildlife enhancement subcommittee, all of whom are appointed by the minister. The majority of the members of the fish enhancement subcommittee can be nominated by organizations that represent anglers. We, of course, want to ensure continuity with the existing fish enhancement fund, and we will want to see that membership continue as a majority on the

new committee. Organizations that represent hunters and trappers can also nominate the majority of members to the wildlife enhancement subcommittee.

The fish enhancement subcommittee must review all proposals submitted for funding related to fish enhancement initiatives, and the wildlife enhancement subcommittee must review all proposals submitted for funding related to wildlife enhancement initiatives. The subcommittees must then provide to the minister each subcommittee's funding recommendations respecting enhancement initiative proposals. The minister must take the recommendations into account in determining which initiatives receive funding, and, as I recall, there was a time restriction placed on the timeliness of the ministerial decision. The bill also allows regulation-making powers, of course, for the minister to create prescribed fees as well as prescribe the types of permits, licences, certificates and other authorizations under regulation.

So Manitoba now has the ability to dedicate funding for fish and wildlife management in this province if this bill proceeds to passage. The creation of the fund, through the act, is widely supported by anglers, hunters and trappers of Manitoba. I would like to commend this bill to the House, and I look forward to any insights from members and from the public and further insights from stakeholders.

I would particularly like to thank the Manitoba Wildlife Federation for their vision here that we are following up on now, and it's been a pleasure to work with the Wildlife Federation. We'll continue to do that as we design the terms of reference and other regulations including the fees, and, as well, I want to recognize the ongoing advice of David Carrick and the fisheries groups, the Manitoba Lodges and Outfitters Association as well as the Manitoba Trappers Association, which has expressed their support, and it'll be important, of course, to engage trappers as well because we shouldn't forget that it's not just about hunting and fishing but trapping as well that will benefit from this.

In short, I think what this fund offers is a greater opportunity for a greater fishing and hunting and trapping experience for Manitobans and for those who visit our province. It will help ensure going forward that, when you go out for that deer, you're going to have a better story to tell, and when you're going out fishing, oh well, you know, the stories were told anyway. Yes. But, no, we really hope that, and expect that, this fund will ensure the ongoing

and healthy stocking of our lakes and, as well, the healthy–healthier populations when it comes to hunting and trapping as well.

So, with those remarks, I again, just ask the House to recognize the role of the member for the Interlake (Mr. Nevakshonoff), given his passion for this fund, and I look forward to the debates and the proceedings in the committee. Thank you, Mr. Speaker.

\* (16:50)

**Mr. Tom Nevakshonoff (Interlake):** It is my honour and a distinct pleasure to arise to speak on Bill 13 this afternoon, and I want to thank the Minister of Conservation and Water Stewardship for his kind words just now and for the leadership and enthusiasm that he has expressed in regard to this most important act. It's—kind of follows up a little bit on an act that was passed through the Legislature here just a short time ago with joint co-operation of both sides of the House, The Hunting, Fishing and Trapping Heritage Act. Members opposite, I'm sure, recall that; had a lot to do with the genesis of that act; and I acknowledge their good works in that regard and hope that they will speak favourably in regard to this latest endeavour on behalf of wildlife and our fish populations and our hunters and fishers across this beautiful land of ours.

Now, I've had some experience in this field. My family owned a fishing lodge up in northern Manitoba—my brother currently owns it—so I was raised on the lake. I was guiding Americans when I was 10 years old, as a matter of fact, so it's been—it had nothing to do with my Uncle Cubby, I may add. This was strictly an endeavour that my father, Mike Nevakshonoff, got started in—back in 1966 or '67, I think. *[interjection]* Well, members opposite seem to have some interest in this and I'm very glad that they're expressing this interest.

Most important, I think, to put on the record that this was a major component of TomorrowNow-Manitoba's Green Plan that was announced by the Premier (Mr. Selinger) in June. So this is just one of the many ways that our government is expressing this. Just goes to show that we have truly the interests of rural Manitoba at heart. And that goes right into the very heart of the bush, I might add.

In addition to being a fisher, of course, I'm an active hunter, and we'll put on the record: I did get my deer this year. I still have to send the forms in and—so that we can do proper recordkeeping which is

fundamental to the maintenance of our wildlife stocks. If we don't spend the money to do the counts—the wildlife counts—so that we actually know what we have out there, then it's difficult, as a government, to make the decisions as regards hunting licences, either the length of them, or whether you're harvesting one deer or two, or what have you. So all of these factors, this particular bill will give us the enhanced ability to monitor our fish stocks, our wildlife stocks, and not just to monitor them, but to make fundamental investments in the habitat itself, which is not just to be taken for granted.

A number of very good people, I might add, have worked on this project throughout the course of its coming to pass. I do want to acknowledge some of them on the record today, Mr. Speaker.

First and foremost would be a former director of wildlife, then moved on and spent the end of his career as the regional director for the Interlake region. His name was Brian Gillespie, a very good friend of mine. I've known him since I was first elected in 1999. Him and I are cut from the same bolt of cloth, but I do recall our meeting, I'd have to say. I'd phoned one of his staff people and—to talk about whatever, drainage or elk depredation on hay. Very quickly, the director phoned me back and said that I should be talking to him, so I arranged for a meeting and the two of them met across his desk and kind of glared at each other a little bit, but we very soon came to realize that we both had the same things near and dear to us, the preservation of wildlife and good water management, and became fast friends. And he was very instrumental in advising me through the course of this bill. He was heavily involved in the expansion of the wildlife management areas back in the 1970s and was instrumental in the reintroduction of the Manitobensis species of—subspecies of elk back into the Interlake—very successful program that is evident today. Truly, one of the crown jewels of our province is the elk herd in the Interlake. So I acknowledge Brian Gillespie's good works in that regard.

Also, Barry Verbiwski, who currently works for us—very often, we tend to overlook our staff, how hard they work behind the scenes. Barry Verbiwski, as we went back and forth on this bill—and it went back and forth quite a bit, I have to say, Barry was the guy that carried that heavy load. He was the one that did all the writing and all the revisions, so I really want to acknowledge his good works as well as other people like Dr. Brian Parker, who is the Fisheries

director now. Brian joined Jim Duncan, our current wildlife director, and Blaire Barta as well, who was working on the draft, as well as many others. This is—was a combined effort that I take my hat off to all of our staff, past and present, for the good works that they do on behalf of the people of Manitoba, and help us to do a hard job as elected officials as well.

You know, part of our mandate, the expansion of, you know, of protected areas in our province, whether it's parks, wildlife management areas, what have you, and I don't have to look very far outside of my constituency. In fact, within my constituency, just in the last year or so, we did create a brand-new park, the Fisher Bay Park, which is more a water park, which is unique in itself, and there again acknowledge the good works of the chief of the Fisher River Cree Nation, Dave Crate, who lobbied very hard, very long, and very effectively in that regard.

So I see that time is almost up. I would like to speak so much more about some of the other people who have contributed toward this, about some of our plans to include First Nations people as a part of this process, very important, but time is of the essence and the clock is ticking and my time has pretty much run out, so I just hope that members opposite are fully in support of this worthy endeavour.

Thank you very much, Mr. Speaker.

**Mr. Kelvin Goertzen (Steinbach):** Mr. Speaker, I move, seconded by the member for Tuxedo (Mrs. Stefanson), that debate now be adjourned.

*Motion agreed to.*

**Hon. Jennifer Howard (Government House Leader):** Mr. Speaker, would you please call Bill 5.

**Mr. Speaker:** We will now proceed to call Bill 5, The New Home Warranty Act.

#### **Bill 5—The New Home Warranty Act**

**Hon. Jim Rondeau (Minister of Healthy Living, Seniors and Consumer Affairs):** This bill established mandatory minimum warranty protection for the—oh, I move, seconded by the Minister of Housing (Ms. Irvin-Ross), that Bill 5, The New Home Warranty Act; Loi sur la garantie des maisons neuves, be now read a first—a second time and be referred to a committee of this House.

His Honour the Administrator has been advised of the bill, and I table the message.

**Mr. Speaker:** It has been moved by the honourable Minister of Healthy Living and Seniors, seconded by the honourable Minister of Housing and Community Development, that Bill 5, The New Home Warranty Act, be now read for a second time and be referred to a committee of the House.

His Honour the Administrator has been advised of the contents of this bill, and the message was tabled.

**Mr. Rondeau:** Good day, Mr. Speaker. This bill will establish mandatory minimum warranty protection for new homes built in this province. It ensures new homes built for sale are covered by a warranty against defects and materials, labours, design and structural defects.

Mr. Speaker, this bill's on the let's make a better deal commitment where we want to continue to expand protection for consumers. The purchase of a new home is one of the largest purchases that most consumers and families can make. Most consumers don't buy many homes in their lifetime.

The complexity of a new home or a construction of condominiums—it can make it difficult to understand all the systems, components and structural elements that go into building of a new home. Many people may not be aware of the potential defects and consumer-related problems that might appear after they move in, and it's a very tough system.

And so, Mr. Speaker, only three provinces have mandatory new home warranty legislation: Ontario,

Québec, British Columbia, and the most recent of these existing programs was developed in BC as a response for the leaky condo crisis. That happened in the 1990s. It worked well and others have joined us.

Manitoba's not alone in moving forward—

**Mr. Speaker:** Order, please. Order, please.

When this matter's again before the House, the honourable Minister of Healthy Living and Seniors—will remain standing in the name of the honourable Minister of Healthy Living and Seniors.

The hour being 5 p.m., this House is adjourned and stands adjourned until 10 a.m. tomorrow morning.

### CORRIGENDA

On November 29, 2012, page 275, first column, seventh paragraph, should have read:

The NDP government tries to use its Crown corporations as cover for their own mismanagement. They tried to raid MPI before and they're doing it again, Mr. Speaker. They've done it with Hydro as well.

On November 29, 2012, page 302, second column, sixth paragraph, should have read:

This year we announced the province's biggest population gains since modern-day recordkeeping began in 1971. Mr. Speaker, 16,045 people came to Manitoba between April of 2011 and April of 2012. That's a record. We want Manitoba to be a destination choice for people from around the world.

# LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, December 3, 2012

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**<http://www.gov.mb.ca/legislature/hansard/index.html>**